



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



LEGISLATIVE MANUAL

THIRTY-SEVENTH LEGISLATURE

CONTAINING

CONSTITUTION OF THE UNITED STATES,
CONSTITUTION OF TEXAS, RULES OF THE
HOUSE OF REPRESENTATIVES, RULES
OF THE SENATE AND JOINT RULES
OF THE TWO HOUSES

ALSO

STANDING COMMITTEES OF BOTH HOUSES, AND
LISTS OF MEMBERS AND OFFICERS AND
NEWSPAPER REPRESENTATIVES



PREPARED BY

T. B. REESE, Private Secretary to Lieutenant Governor

AND

C. R. GRANBERRY, Private Secretary to the Speaker



VON BOECKMANN-JONES CO., PRINTERS, AUSTIN, TEXAS
1921

R 2

RECEIVED
PUBLIC
LIBRARY

THE NEW YORK
PUBLIC LIBRARY

38408A

ASTOR, LENOX AND
TILDEN FOUNDATIONS

R 1922 L

10-14-22
38408A
10-14-22

HOUSE CONCURRENT RESOLUTION NO. 9.

Providing for compiling and printing Legislative Manual of the Thirty-seventh Legislature.

Resolved by the House, the Senate concurring, That there be printed for the use of the House and Senate three hundred and fifty copies of the Texas Legislative Manual of the Thirty-seventh Legislature, which shall contain the Constitution of Texas, the rules of the Senate, the rules of the House, and the joint rules of the Senate and House, all of which shall be properly indexed, with such annotations as are necessary; a list of the standing committees of the two houses, the names of the Senators and Representatives, and their respective districts. It shall also contain the names of the officers of the House and Senate and of the representatives of the press in attendance.

Two hundred copies to be bound in flexible morocco covers at a cost not to exceed fifty cents per copy above the cost of the same books in flexible cloth, according to the specifications of the contract with the public printer.

Provided further, that the name of each member and officer of the House and Senate be embossed upon the back of one copy of said Manual, said copy to be the property of the member or officer whose name is upon said copy. Three-fourths of such copies shall be for the use of the House and one-fourth for the use of the Senate, and they shall be paid for out of the contingent funds of the two houses in said proportion; provided, that the public printer shall not be paid for composition but one time.

The said bound volumes to be in the hands of the members of the Legislature within thirty days from the passage of this resolution.

Provided further, that in addition to the two hundred copies to be bound in flexible morocco, as herein provided, there shall be one hundred paper bound copies printed and turned over to the Secretary of State for use in the Legislature hereafter, and fifty copies to be delivered to the State Librarian for exchange with other State libraries; that the members of the press, working as such in the Thirty-seventh Legislature, be provided with a copy of said Manual by the Secretary of State.

TABLE OF CONTENTS.

	Page
Resolution authorizing publication of Manual.....	3
Constitution of United States.....	7
Constitution of the State of Texas.....	27
Rules of the House of Representatives with Annotations	102
Legislative Precedents.....	149
Progress of a House Bill.....	210
Rules of the Senate with Annotations.....	215
Joint Rules of the Two Houses with Annotations.....	239
List of Members and Officers of the House.....	245
Standing Committees of the House.....	251
List of Members and Officers of the Senate.....	257
Standing Committees of the Senate.....	261
Representatives of the Press in Attendance.....	265
Index to U. S. Constitution.....	267
Index to State Constitution.....	275
Index to Rules of the House.....	323
Index to Legislative Precedents.....	339
Index to Rules of the Senate.....	349
General Index.....	367

NOTE.

Most of the precedents and some of the annotations contained in this Manual were taken from the Manual of the Thirty-third Legislature. The legislative precedents have been brought up to date.

CONSTITUTION OF THE UNITED STATES.

[Note.—The text of the Constitution of the United States here given has been compared with Paschal's Constitution of the United States, and with the text in "Federal Statutes Annotated"; the former having been compared with a copy of the original, certified to by James Buchanan, Secretary of State, on July 20, 1846; the latter having been compared with a certified copy published by the Government Printing Office in 1891.]

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION I.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION IV.

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such

parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if ap-

proved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish postoffices and postroads.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.
10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.
11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.
12. To raise and support armies, but no appropriations of money to that use shall be for a longer term than two years.
13. To provide and maintain a navy.
14. To make rules for the government and regulation of the land and naval forces.
15. To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions.
16. To provide for organizing, arming and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.
17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings; and
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION IX.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall

not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

6. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by

any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representa-

tion from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

[Note.—This subdivision (3) has been amended and superseded by the Twelfth Amendment.]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States.”

SECTION II.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment

for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION IV.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between States so ratifying the same.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation,

and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

SECTION I.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no persons have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as

in the case of the death or other constitutional disability of the President.

SECTION II.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

SECTION III.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION I.

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SECTION II.

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION I.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION II.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION III.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof, but Congress may, by a vote of two-thirds of each house, remove such disability.

SECTION IV.

The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION V.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION I.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION II.

The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; provided, that the Legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the Legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII.

SECTION I.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors

within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION II.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION III.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

CONSTITUTION OF THE STATE OF TEXAS.

Ratified February 15, 1876.

PREAMBLE.

Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

SECTION 1. TEXAS FREE AND INDEPENDENT.—Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

SEC. 2. ALL POLITICAL POWER IS INHERENT IN THE PEOPLE.—All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

SEC. 3. ALL FREE MEN HAVE EQUAL RIGHTS.—All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments or privileges but in consideration of public services.

SEC. 4. THERE SHALL BE NO RELIGIOUS TEST FOR OFFICE.—No religious test shall ever be required as a qualification to any office or public trust in this State; nor shall anyone be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

SEC. 5. HOW OATHS SHALL BE ADMINISTERED.—No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

SEC. 6. FREEDOM IN RELIGIOUS WORSHIP GUARANTEED; LIBEL.—All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 7. NO APPROPRIATION FOR SECTARIAN PURPOSES.—No money shall be appropriated or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purpose.

SEC. 8. LIBERTY OF SPEECH AND PRESS GUARANTEED.—Every person shall be at liberty to speak, write or publish his opinions, on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libel, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 9. NO UNREASONABLE SEIZURES AND SEARCHES ALLOWED.—The people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near

as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. RIGHT OF ACCUSED PERSONS IN CRIMINAL PROSECUTIONS.—In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

SEC. 11. BAIL.—All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

SEC. 12. THE WRIT OF HABEAS CORPUS.—The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

SEC. 13. EXCESSIVE BAIL AND FINE AND UNUSUAL PUNISHMENT PROHIBITED; COURTS OPEN.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

SEC. 14. NO PERSON SHALL BE PUT TWICE IN JEOPARDY.—No person, for the same offense, shall be twice put in jeopardy of life or liberty, nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

SEC. 15. RIGHT OF TRIAL BY JURY.—The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

SEC. 16. THERE SHALL BE NO BILL OF ATTAINDER OR EX POST FACTO LAWS.—No bill of attainder or ex post facto law, retroactive law, or any other law impairing the obligation of contracts, shall be made.

SEC. 17. PRIVILEGES AND FRANCHISE; EMINENT DOMAIN.—No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privilege or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

SEC. 18. NO IMPRISONMENT FOR DEBT.—No person shall ever be imprisoned for debt.

SEC. 19. DUE COURSE OF LAW.—No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

SEC. 20. NO OUTLAWRY OR DEPORTATION.—No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

SEC. 21. CORRUPTION OF BLOOD; FORFEITURE; SUICIDES.—No conviction shall work corruption of blood or forfeiture of estate, and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

SEC. 22. TREASON.—Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 23. RIGHT TO BEAR ARMS.—Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

SEC. 24. **MILITARY SUBORDINATE TO CIVIL AUTHORITY.**—The military shall at all times be subordinate to the civil authority.

SEC. 25. **QUARTERING SOLDIERS.**—No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 26. **PERPETUITIES; MONOPOLIES; PRIMOGENITURE; ENTAILMENTS.**—Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailment ever be in force in this State.

SEC. 27. **RIGHT OF PETITION GUARANTEED.**—The citizens shall have the right, in a peaceable manner, to assemble together for their common good and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

SEC. 28. **POWER TO SUSPEND LAWS.**—No power of suspending laws in this State shall be exercised except by the Legislature.

SEC. 29. **"BILL OF RIGHTS" INVIOLETE.**—To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

THE POWERS OF GOVERNMENT.

SECTION 1. **DEPARTMENTS OF GOVERNMENT TO BE KEPT DISTINCT.**—The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION. 1. THE LEGISLATURE; HOUSE AND SENATE.—The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled “the Legislature of the State of Texas.”

SEC. 2. NUMBER OF MEMBERS LIMITED.—The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety-three members until the first apportionment after the adoption of this Constitution, when or at any apportionment thereafter the number of Representatives may be increased by the Legislature, upon the ratio of not more than one Representative for very fifteen thousand inhabitants; provided, the number of Representatives shall never exceed one hundred and fifty.

SEC. 3. ELECTION OF SENATORS; NEW APPORTIONMENT.—The Senators shall be chosen by the qualified electors for the term of four years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the Senators shall be chosen biennially thereafter.

SEC. 4. ELECTION OF REPRESENTATIVES; TERM OF OFFICE.—The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election.

SEC. 5. TIME OF MEETING.—The Legislature shall meet every two years at such time as may be provided by law, and at other times when convened by the Governor.

SEC. 6. QUALIFICATIONS OF SENATORS.—No person shall be a Senator unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

SEC. 7. QUALIFICATIONS OF REPRESENTATIVES.—No person shall be a Representative unless he be a citizen of the

United States, and, at the time of his election, a qualified elector of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. EACH HOUSE TO JUDGE QUALIFICATION OF ITS OWN MEMBERS.—Each house shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law.

SEC. 9. PRESIDENT PRO TEM. OF THE SENATE; SPEAKER OF HOUSE; OFFICERS.—The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its own members. And each house shall choose its other officers.

SEC. 10. QUORUM.—Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 11. RULES; POWER TO PUNISH AND EXPEL.—Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

SEC. 12. JOURNAL; YEAS AND NAYS.—Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the Journals.

SEC. 13. VACANCIES, HOW FILLED.—When vacancies occur in either house, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies; and should the Governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such

vacancy may have happened, shall be authorized to order an election for that purpose.

SEC. 14. MEMBERS OF LEGISLATURE PRIVILEGED FROM ARREST.—Senators and Representatives shall, except in cases of treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to or returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

SEC. 15. EACH HOUSE MAY PUNISH DISORDERLY CONDUCT.—Each house may punish, by imprisonment, during its sessions, any person not a member for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; provided, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 16. SESSIONS TO BE OPEN.—The sessions of each house shall be open, except the Senate when in executive session.

SEC. 17. ADJOURNMENTS.—Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

SEC. 18. INELIGIBILITY OF MEMBERS TO CERTAIN OFFICES; NOT TO BE INTERESTED IN CONTRACTS.—No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased, during such term; no member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the Legislature, and no member of either house shall vote for any other member for any office whatever which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall any member of the Legislature be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 19. WHAT OFFICERS INELIGIBLE TO MEMBERSHIP IN LEGISLATURE.—No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or this

State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

SEC. 20. RECEIVERS OR DISBURSERS OF PUBLIC FUNDS NOT ELIGIBLE TO MEMBERSHIP IN THE LEGISLATURE UNTIL DISCHARGE RECEIVED.—No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been entrusted.

SEC. 21. FREEDOM IN DEBATE.—No member shall be questioned in any other place for words spoken in debate in either House.

SEC. 22. PERSONAL INTEREST IN MEASURE OR BILL.—A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

SEC. 23. REMOVAL VACATES OFFICE.—If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in Section 13 of this article.

SEC. 24. MILEAGE AND PER DIEM.—The members of the Legislature shall receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two dollars per day for the remainder of the session; except the first session held under this Constitution, when they may receive not exceeding five dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the Comptroller of the State shall prepare and preserve a table of distances to each county seat, now or hereafter to be established, and by such table the mileage of each member

shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 25. SENATORIAL DISTRICTS, HOW APPORTIONED.—The State shall be divided into Senatorial Districts of contiguous territory according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one Senator; and no single county shall be entitled to more than one Senator.

SEC. 26. REPRESENTATIVE DISTRICTS, HOW APPORTIONED.—The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; provided, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate Representative District, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may be joined in a Representative District with any other contiguous county or counties.

SEC. 27. ELECTION OF MEMBERS.—Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 28. REAPPORTIONMENT AT EACH CENSUS.—The Legislature shall, at its first session after the publication of each United States decennial census, apportion the State into Senatorial and Representative Districts, agreeably to the provisions of Sections 25 and 26 of this article; and until the next decennial census, when the first apportionment shall be made by the Legislature, the State shall be, and it is hereby divided into Senatorial and Representative Districts as provided by an ordinance of the convention on that subject.

PROCEEDINGS.

SEC. 29. ENACTING CLAUSE.—The enacting clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas."

SEC. 30. LAWS TO BE PASSED BY BILL; AMENDMENTS.—No law shall be passed, except by bill, and no bill shall be so amended in its passage through either House, as to change its original purpose.

SEC. 31. BILLS MAY ORIGINATE IN EITHER HOUSE AND MAY BE AMENDED OR REJECTED BY THE OTHER HOUSE.—Bills may originate in either House, and when passed by such House may be amended, altered or rejected by the other.

SEC. 32.—BILLS TO BE READ ON THREE SEVERAL DAYS; SUSPENSION OF RULE.—No bill shall have the force of a law until it has been read on three several days in each House, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journals.

SEC. 33. BILLS FOR RAISING REVENUE.—All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 34. BILL OR RESOLUTION DEFEATED, NOT TO BE CONSIDERED AGAIN.—After a bill has been considered and defeated by either House of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

SEC. 35. BILLS TO CONTAIN BUT ONE SUBJECT, WHICH MUST BE EXPRESSED IN TITLE.—No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in the title such Act shall be void only as to so much thereof as shall not be so expressed.

SEC. 36. REVIVING OR AMENDING LAWS.—No law shall be revived or amended by reference to its title; but in such case the Act revived, or section or sections amended, shall be re-enacted and published at length.

SEC. 37. REFERENCE TO COMMITTEES.—No bill shall be considered unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

SEC. 38. SIGNING BILLS.—The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the Journals.

SEC. 39. WHEN LAWS TAKE EFFECT.—No law passed by the Legislature, except the General Appropriation Act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct; said vote to be taken by yeas and nays, and entered upon the Journals.

SEC. 40. BUSINESS AND DURATION OF SPECIAL SESSIONS.—When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

SEC. 41. ELECTIONS; VOTES, HOW TAKEN.—In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

REQUIREMENTS AND LIMITATIONS.

SEC. 42. TO PASS NECESSARY LAWS.—The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

SEC. 43. REVISION AND PUBLICATION OF LAWS.—The first session of the Legislature under the Constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter; provided, that in the adoption of and giving effect to any such digest or revision

the Legislature shall not be limited by Sections 35 and 36 of this article.

SEC. 44. COMPENSATION OF OFFICERS; PAYMENT OF CLAIMS.—The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant or public contractors, after such public service shall have been performed or contract entered into, for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ any one in the name of the State, unless authorized by pre-existing law.

SEC. 45. CHANGE OF VENUE.—The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

SEC. 46. LEGISLATURE SHALL ENACT VAGRANT LAWS.—The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

SEC. 47. LOTTERIES SHALL BE PROHIBITED.—The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States.

SEC. 48. POWER TO LEVY TAXES LIMITED.—The Legislature shall not have the right to levy taxes or impose burdens upon the people except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of this State.

The erection and repairs of public buildings.

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds, for the payment of which the sinking fund is inadequate.

The support of public schools, in which shall be included

colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas.

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employes of the State government, and all incidental expenses connected therewith.

The support of the Blind Asylum, the Deaf and Dumb Asylum and the Insane Asylum, the State Cemetery and the public grounds of the State.

The enforcement of quarantine regulations on the coast of Texas.

The protection of the frontier.

SEC. 49. PURPOSES FOR WHICH DEBTS MAY BE CREATED.—No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

SEC. 50. CREDIT OF STATE NOT TO BE PLEDGED.—The Legislature shall have no power to give or to lend or to authorize the giving or lending of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 51. TAX LEVY AUTHORIZED FOR CONFEDERATE SOLDIERS AND SAILORS AND THEIR WIDOWS.—The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporations whatsoever; provided, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1, 1900, and their widows in indigent circumstances, and who have been bona fide residents of the State of Texas since January 1, 1900, and who were married to such soldiers and sailors anterior to January 1, 1900; to indigent and disabled soldiers, who, under special laws of the State of Texas, during the war between the States, served for a period of at least six months in organization for the protection of the frontier against Indian raids or Mexican

marauders, and to indigent and disabled soldiers of the militia of the State of Texas who were in active service for a period of at least six months during the war between the States, to the widows of such soldiers who are in indigent circumstances and who were married to such soldiers prior to January 1, 1900; provided that the word "widow" in the preceding lines of this section shall not apply to women born since 1861; and also to grant aid for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows and women who aided in the Confederacy, under such regulations and limitations as may be provided for by law; provided the Legislature may provide for husband and wife to remain together in the home.

The Legislature shall have the power to levy and collect, in addition to all other taxes heretofore permitted by the Constitution of Texas, a State ad valorem tax on property not exceeding five cents on the one hundred dollars valuation for the purpose of creating a special fund for the payment of pensions for services in the Confederate army and navy, frontier organizations and the militia of the State of Texas, and for the widows of such soldiers serving in said armies, navies, organizations or militia.

SEC. 52. COUNTIES, CITIES, ETC., NOT TO BE AUTHORIZED TO GRANT MONEY OR TO BECOME STOCKHOLDERS.—The Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company; provided, however, that under legislative provision any county, any political subdivision of a county, any number of adjoining counties or any political subdivision of the State or any defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include towns, villages or municipal corporations, upon a vote of a two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect such taxes to pay the interest thereon and provide a sinking fund for

the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes, towit:

(a) The improvement of rivers, creeks and streams to prevent overflows and to permit of navigation thereof or irrigation thereof, or in aid of such purposes.

(b) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, drainage or navigation or in aid thereof.

(c) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof.

SEC. 53. EXTRA COMPENSATION BY MUNICIPAL CORPORATIONS.—The Legislature shall have no power to grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part; nor pay, nor authorize the payment of any claim created against any county or municipality of the State under any agreement or contract made without authority of law.

SEC. 54. LIENS ON RAILROADS.—The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in anywise change the tenor or meaning or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. LEGISLATURE HAS NO POWER TO RELEASE DEBTS.—The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual, to this State or to any county or other municipal corporation therein.

SEC. 56. LOCAL AND SPECIAL LAWS.—The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

The creation, extension or impairing of liens;

Regulating the affairs of counties, cities, towns, wards or school districts;

Changing the names of persons and places;

Changing the venue in civil or criminal cases;

Authorizing and laying out, opening, altering or maintaining of roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns or villages, or changing their charter;

For the opening and conducting of elections or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers in counties, cities, towns, election of school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts or the enforcing of judgments or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors or persons under disability;

Remitting fines, penalties and forfeitures and refunding money legally paid into the Treasury;

Exempting property from taxation;

Regulating labor, trade, mining and manufacturing;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties or his securities from liability.

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

And in all other cases where a general law can be made applicable no local or special law shall be enacted; provided, that nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

SEC. 57. NOTICE OF LOCAL OR SPECIAL LAWS.—No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

SEC. 58. SESSIONS TO BE HELD AT AUSTIN, SEAT OF GOVERNMENT.—The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. OFFICERS OF EXECUTIVE DEPARTMENT.—The executive department of the State shall consist of a Governor, who shall be the Chief Executive Officer of the State; a Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and the Attorney General.

SEC. 2. ELECTION OF EXECUTIVE OFFICERS.—All the above officers of the executive department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

SEC. 3. ELECTION RESULTS; TIES; CONTESTS.—The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up and transmitted by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives as soon as the Speaker shall be chosen, and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature. The person voted for at said election

having the highest number of votes for each of said offices, respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by a joint vote of both houses of the Legislature. Contested elections for either of said offices shall be determined by both houses of the Legislature in joint session.

SEC. 4. GOVERNOR WHEN INSTALLED; TERM; QUALIFICATIONS.—The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

SEC. 5. GOVERNOR'S SALARY AND MANSION.—He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars and no more, and shall have the use and occupation of the Governor's Mansion, fixtures and furniture.

SEC. 6. GOVERNOR TO HOLD NO OTHER OFFICE, ETC.—During the time he holds the office of Governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession and receive compensation, reward, fee or the promise thereof for the same; nor receive any salary, reward or compensation or the promise thereof from any person or corporation for any service rendered or performed during the time he is Governor or to be thereafter rendered or performed.

SEC. 7. COMMANDER-IN-CHIEF; MAY CALL OUT MILITIA.—He shall be commander-in-chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions and protect the frontier from hostile incursions by Indians or other predatory bands.

SEC. 8. GOVERNOR MAY CONVENE LEGISLATURE.—The Governor may, on extraordinary occasions convene the Legislature at the seat of government or at a different place in case that should be in possession of the public enemy or in case of the prevalence of disease thereat. His proclamation therefor

shall state specifically the purpose, for which the Legislature is convened.

SEC. 9. GOVERNOR'S MESSAGE; TO ACCOUNT FOR MONEYS; PRESENT ESTIMATES, ETC.—The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 10. GOVERNOR SHALL CAUSE THE LAWS TO BE EXECUTED; INTERCOURSE WITH OTHER STATES.—He shall cause the laws to be faithfully executed and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

SEC. 11. GOVERNOR MAY ISSUE PARDONS, REMIT FINES, ETC.—In all criminal cases except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate he may grant pardons in cases of treason, and to this end he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. GOVERNOR TO FILL VACANCIES IN STATE AND DISTRICT OFFICES.—All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Governor shall, without delay, make further nominations until a con-

firmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate, but may appoint some other person to fill the vacancy until the next session of the Senate or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

SEC. 13. WHERE GOVERNOR SHALL RESIDE.—During the session of the Legislature the Governor shall reside where its sessions are held and at all other times at the seat of government, except when by act of the Legislature he may be required or authorized to reside elsewhere.

SEC. 14. APPROVAL OF BILLS; VETO BILL NOT RETURNED TO BECOME A LAW.—Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapproves it, he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of the members of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the Journal of each house, respectively. If any bill shall not be returned by the Governor with his objections within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session he shall transmit to the house in which the bill originated, a copy of such statement, and the items objected to shall be

separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law, notwithstanding the objection of the Governor. If any such bill containing several items of appropriation not having been presented to the Governor ten days, Sundays excepted, prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. WHAT TO BE PRESENTED FOR APPROVAL.—Every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary except on questions of adjournment shall be presented to the Governor, and before it shall take effect shall be approved by him; or, being disapproved, shall be repassed by both houses, and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. LIEUTENANT GOVERNOR; ELECTION; TERM; POWERS AND DUTIES.—There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office for the same time and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor. The Lieutenant Governor shall, by virtue of his office, be President of the Senate and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical election, and be duly qualified; or until the Governor, impeached, absent or disabled, shall be acquitted, return or his disability be removed.

SEC. 17. VACANCY IN OFFICE; COMPENSATION.—If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve or be removed from office or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant Gov-

ernor. The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more; and during the time he administers the government as Governor he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner, the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 18. SUCCESSION TO GOVERNORSHIP.—The Lieutenant Governor, or President of the Senate, succeeding to the office of Governor shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

SEC. 19. SEAL OF STATE; SECRETARY OF STATE TO KEEP, ETC.—There shall be a seal of the State which shall be kept by the Secretary of State and used by him officially under the direction of the Governor. The seal of the State shall be a star of five points, encircled by olive and live oak branches, and the words "The State of Texas."

SEC. 20. COMMISSIONS TO BE SIGNED AND SEALED.—All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 21. SECRETARY OF STATE; TERM; DUTIES; COMPENSATION.—There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office during the term of service of the Governor. He shall authenticate the publication of the laws and keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature or either house thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars and no more.

SEC. 22. ATTORNEY GENERAL; TERM; DUTIES; RESIDENCE; SALARY.—The Attorney General shall hold his office for two years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme

Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law; provided, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. COMPTROLLER; TREASURER, AND COMMISSIONER OF THE GENERAL LAND OFFICE; TERMS; SALARIES; RESIDENCE; FEES.—The Comptroller of Public Accounts, the Treasurer, and the Commissioner of the General Land Office shall each hold office for the term of two years and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the Capitol of the State during his continuance in office, and perform such duties as are or may be required of him by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the State Treasury.

SEC. 24. OFFICERS TO ACCOUNT TO THE GOVERNOR; DUTY OF GOVERNOR; FALSE REPORTS.—An account shall be kept by the officers of the executive department and by all officers and managers of State institutions of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor, under oath. The Governor may, at any time, require information in writing from any and all of said officers or managers upon any subject relating to the duties, conditions, management and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect

their books, accounts, vouchers and public funds; and any officer or manager who, at any time, shall wilfully make a false report or give false information, shall be guilty of perjury and so adjudged and punished accordingly and removed from office.

SEC. 25. LAWS FOR INVESTIGATION OF BREACHES OF TRUST.—The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

SEC. 26. NOTARIES PUBLIC.—The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. THE SEVERAL COURTS; CRIMINAL COURTS.—The judicial power of this State shall be vested in one Supreme Court, in Courts of Civil Appeals, in a Court of Criminal Appeals, in district courts, in county courts, in commissioners courts, in courts of justices of the peace and in such other courts as may be provided by law. The criminal district court of Galveston and Harris counties shall continue with the district, jurisdiction and organization now existing by law until otherwise provided by law. The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

SEC. 2. SUPREME COURT; QUORUM; QUALIFICATIONS; ELECTION; SALARY; VACANCY.—The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the Supreme Court unless he be, at the time of his election, a citizen of the United States and of this State and unless he shall have attained the age of thirty years and shall have been a practicing lawyer or a judge of a court or such

lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the State at a general election, shall hold their offices six years or until their successors are elected and qualified and shall each receive an annual salary of four thousand dollars until otherwise provided by law. In case of a vacancy in the office of the chief justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The judges of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and until their successors are elected and qualified.

SEC. 3. JURISDICTION; TERMS OF COURT.—The Supreme Court shall have appellate jurisdiction only except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in cases of which the Courts of Civil Appeals have appellate jurisdiction under such restrictions and regulations as the Legislature may prescribe. Until otherwise provided by law, the appellate jurisdiction of the Supreme Court shall extend to questions of law arising in the cases of the Courts of Civil Appeals in which the judges of any Court of Civil Appeals may disagree, or where the several Courts of Civil Appeals may hold differently on the same question of law or where a statute of the State is held void. The Supreme Court and the justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law; and under such regulations as may be prescribed by law, the said courts and the justices thereof may issue writs of mandamus, procedendo, certiorari and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.

The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit for the transaction of business from the first Monday in October of each year until the last Saturday of June in the next year, inclusive, at the Capitol of the State.

The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years and shall be subject to removal by said court for good cause entered of record on the minutes of said court, who shall receive such compensation as the Legislature may provide.

SEC. 4. COURT OF CRIMINAL APPEALS.—The Court of Criminal Appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. Said judges shall have the same qualifications and receive the same salary as the judges of the Supreme Court. They shall be elected by the qualified voters of the State at a general election and shall hold their office for a term of six years. In case of a vacancy in the office of a judge of the Court of Criminal Appeals the Governor shall fill such vacancy by appointment of the unexpired term.

The judges of the Court of Appeals who may be in office at the time when this amendment takes effect shall continue in office until the expiration of their term of office under the present Constitution and laws as judges of the Court of Criminal Appeals.

SEC. 5. JURISDICTION; POWERS; TERM; CLERK, ETC.—The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law. The Court of Criminal Appeals and the judges thereof shall have the power to issue writs of habeas corpus and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The Court of Criminal Appeals shall sit for the transaction of business from the first Monday in October to the last Saturday in June in each year, at the State Capitol and two other places, or the Capital City, if the Legislature shall hereafter so provide. The Court of Criminal Appeals shall appoint a clerk for each place at which it may sit, and each clerk shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for four years, unless sooner removed by the court for good cause entered of record on the minutes of said court.

SEC. 6. SUPREME JUDICIAL DISTRICTS; COURTS OF CIVIL APPEALS; JURISDICTION; TERM; JUSTICES; ELECTION; SALARY; CLERK.—The Legislature shall, as soon as practicable after the adoption of this amendment, divide the State into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase of population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a chief justice and two associate justices, who shall have the qualifications as herein prescribed for justices of the Supreme Court. Said Courts of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the district courts or county courts have original or appellate jurisdiction under such restrictions and regulations as may be prescribed by law. Provided, that the decisions of said court shall be conclusive on all questions of fact brought before them on appeal of error.

Each of said Courts of Civil Appeals shall hold its sessions at a place in its district to be designated by the Legislature and at such times as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts at a general election for a term of six years and shall receive for their services the sum of three thousand five hundred dollars per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court, which clerk shall receive such compensation as may be fixed by law.

Until the organization of the Courts of Civil Appeals and Criminal Appeals, as herein provided for, the jurisdiction, power and organization and location of the Supreme Court, the Court of Appeals and the Commission of Appeals shall continue as they were before the adoption of this amendment.

All civil cases which may be pending in the Court of Appeals shall, as soon as practicable after the organization of the Courts of Civil Appeals, be certified to and the records thereof be transmitted to the proper Court of Civil Appeals to be decided by said courts. At the first session of the Supreme Court, the Court of Criminal Appeals and such of the Courts of Civil Appeals which may be hereafter created under this article, after the first election of the judges of such courts, under this amendment, the terms of office of the judges of

each court shall be divided into three classes and the justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices two years, those drawing class No. 2 shall hold their offices for four years, and those who may draw class No. 3 shall hold their offices for six years from the date of their election and until their successors are elected and qualified, and thereafter each of the said judges shall hold his office for six years, as provided in this Constitution.

SEC. 7. JUDICIAL DISTRICTS; JUDGES; THEIR QUALIFICATIONS; RESIDENCE; TERM OF OFFICE; SALARY; TERMS OF COURT.—The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this State, who shall have been a practicing lawyer of this State or a judge of a court in this State, for four years next preceding his election, who shall have resided in the district in which he was elected for two years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the period of four years and shall receive for his services an annual salary of two thousand five hundred dollars, until otherwise changed by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year in such manner as may be prescribed by law. The Legislature shall have power by general or special laws to authorize the holding of special terms of the court or the holding of more than two terms in any county for the dispatch of business. The Legislature shall also provide for the holding of district court when the judge thereof is absent or is from any cause disabled or disqualified from presiding.

The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

SEC. 8. JURISDICTION AND POWERS OF THE DISTRICT COURTS.—The district court shall have original jurisdiction of all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for

slander or defamation of character; of all suits for trial of title of land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars, exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction. The district court shall have appellate jurisdiction and general control in probate matters over the county court established in each county for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law. The district court shall have appellate jurisdiction and general supervisory control over the county commissioners court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

SEC. 9. CLERK OF THE DISTRICT COURT; TERM OF OFFICE; HOW REMOVED; HOW VACANCY IS FILLED.—There shall be a clerk for the district court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury and conviction by a petit jury. In case of vacancy the judge of a district court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. JURY TRIAL; BY WHOM FEE IS TO BE PAID.—In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum

and with such exceptions as may be prescribed by the Legislature.

SEC. 11. DISQUALIFICATION OF JUDGES; SPECIAL JUDGES; EXCHANGE OF DISTRICTS; VACANCIES.—No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of such cause or causes. When a judge of the district court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts or hold courts for each other when they may deem it expedient, and shall do so when required by law. The disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices filled, as may be prescribed by law.

SEC. 12. JUDGES CONSERVATORS OF PEACE; STYLE OF WRITS; PROSECUTION BY STATE.—All judges of courts of this State shall, by virtue of their office, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the State of Texas, and shall conclude "against the peace and dignity of the State."

SEC. 13. JURORS, GRAND AND PETIT; NUMBER REQUIRED TO RETURN VERDICT.—Grand and petit juries in the district courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases and in trials of criminal cases below the grade of felony in the district courts, nine members of the jury concurring may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or

more jurors, not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. DISTRICTS FIXED BY ORDINANCE.—The judicial districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this Constitution until otherwise provided by law.

SEC. 15. COUNTY COURT; ELECTION; TERM OF OFFICE OF COUNTY JUDGES; FEES.—There shall be established in each county in this State a county court, which shall be a court of record; and there shall be elected in each county by the qualified voters a county judge, who shall be well informed in the law of the State, shall be a conservator of the peace, and shall hold his office for two years and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. JURISDICTION OF COUNTY COURT; APPEALS; PROBATE JURISDICTION; MAY ISSUE WRITS; JUDGE DISQUALIFIED, WHEN.—The county court shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justices' courts as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed \$200; and they shall have exclusive jurisdiction in all civil cases when the matter in controversy shall exceed in value \$200 and not exceed \$500, exclusive of interest; and concurrent jurisdiction with the district court when the matter in controversy shall exceed \$500 and not exceed \$1000, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which justices' courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed \$20, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from justices' courts there shall be a trial de novo in the county court, and appeals may be prosecuted from the final judgment rendered in such cases by the county court, as well as all cases, civil and criminal, of which the county court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the Court of Civil Appeals, and in such criminal

cases to the Court of Criminal Appeals, with such exceptions and under such regulations as may be prescribed by law.

The county court shall have the general jurisdiction of a probate court; they shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law; and the county court or judge thereof shall have power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court, or any other court or tribunal inferior to said court. The county court shall not have criminal jurisdiction in any county where there is a criminal district court unless expressly conferred by law; and in such counties appeals from justices' courts and other inferior courts and tribunals in criminal cases shall be to the criminal district court, under such regulations as may be prescribed by law; and in all such cases an appeal shall lie from such district court to the Court of Criminal Appeals.

When the judge of the county court is disqualified in any case pending in the county court the parties interested may by consent appoint a proper person to try said case, or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law.

SEC. 17. TERMS OF COUNTY COURT FOR CRIMINAL BUSINESS; PROSECUTIONS COMMENCED BY INFORMATION; GRAND JURY TO INQUIRE INTO MISDEMEANORS; QUASHING OF GRAND JURY INDICTMENTS; JURY.—The county court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation, as may be provided by law, and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the district courts shall inquire into misdemeanors, and all indictments therefor returned into the district courts shall forthwith be certified to the county courts, or other inferior

courts having jurisdiction, to try them, for trial; and if such indictment be quashed in the county, or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the county court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor in advance as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. TERMS OF JUSTICES OF THE PEACE; COUNTY COMMISSIONERS AND COMMISSIONERS COURT.—Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners court provided for by this Constitution. In each such precinct there shall be elected, at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for two years, and until his successor shall be elected and qualified; provided, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge as presiding officer, shall compose the county commissioners court, which shall exercise such power and jurisdiction over all county business as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

SEC. 19. CRIMINAL JURISDICTION OF JUSTICES OF THE PEACE; APPEALS; JUSTICES OF THE PEACE EX-OFFICIO NOTARIES.—Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the district or county courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be

prescribed by law; and appeals to the county courts shall be allowed in all cases decided in justices' courts where the judgment is for more than twenty dollars, exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the justices of the peace shall be ex-officio notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. COUNTY CLERK; ELECTION; TERM; DUTIES; VACANCIES.—There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for two years, who shall be clerk of the county and commissioners courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the commissioners court until the next general election for county and State officers; provided, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of district and county clerks.

SEC. 21. COUNTY AND DISTRICT ATTORNEYS; DUTIES; VACANCIES; FEES.—A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor and hold his office for the term of two years. In case of vacancy the commissioners court of the county shall have power to appoint a county attorney until the next general election. The county attorney shall represent the State in all cases in the district and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall, in such counties, be regulated by the Legislature. The Legislature may provide for the election of district attorneys in such districts as may be deemed necessary, and make provision for the compensation of district attorneys and county attorneys; provided, district attorneys shall receive an annual salary of five hundred dollars, to be paid by the State, and such fees, commissions and perquisites as may be provided by law. County attorneys shall receive as compensation only such fees, commissions and perquisites as may be prescribed by law.

SEC. 22. JURISDICTION OF COURTS MAY BE CHANGED BY LEGISLATURE.—The Legislature shall have power, by local or general law, to increase, diminish or change the civil and

criminal jurisdiction of county courts; and in cases of any such change of jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. SHERIFF; TERM OF OFFICE; VACANCY.—There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of two years, whose duties and perquisites and fees of office shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the commissioners court until the next general election for county or State officers.

SEC. 24. CERTAIN OFFICERS REMOVED BY DISTRICT COURTS FOR DRUNKENNESS, INCOMPETENCY, OFFICIAL MISCONDUCT, ETC.—County judges, county attorneys, clerks of the district and county courts, justices of the peace, constables and other county officers, may be removed by the judges of the district courts for incompetency, official misconduct, habitual drunkenness or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. SUPREME COURT TO REGULATE PRACTICE.—The Supreme Court shall have power to make and establish rules of procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State, to expedite the dispatch of business therein.

SEC. 26. NO APPEAL IN CRIMINAL CASES BY THE STATE.—The State shall have no right of appeal in criminal cases.

SEC. 27. TRANSFER OF CASES BY THE LEGISLATURE.—The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in district courts, over which jurisdiction is given by this Constitution to the county courts or other inferior courts, to such county or inferior courts, and for the trial or disposition of all such causes by such county or other inferior courts.

SEC. 28. VACANCIES IN OFFICES OF JUDGES OF SUPERIOR COURTS TO BE FILLED BY THE GOVERNOR.—Vacancies in the offices of the judges of the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals and district courts shall be filled by the Governor until the next succeeding general election, and vacancies in the office of county judge and justices of the peace shall be filled by the commissioners court until the next general election for such offices.

SEC. 29. TERMS OF COUNTY COURTS; PROBATE BUSINESS; PROSECUTIONS.—The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the commissioners court of the county under authority of law, and such other terms each year as may be fixed by the commissioners court; provided, the commissioners court of any county having fixed the times and number of terms of the county court shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulations as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.

ARTICLE VI.

SUFFRAGE.

SECTION 1. PERSONS WHO CANNOT VOTE.—The following classes of persons who shall not be allowed to vote in this State, towit:

First—Persons under twenty-one years of age.

Second—Idiots and lunatics.

Third—All paupers supported by any county.

Fourth—All persons convicted of any felony; subject to such exceptions as the Legislature may make.

Fifth—All soldiers, marines and seamen employed in the service of the army or navy of the United States.

SEC. 2. POLL TAX PAYMENT REQUIRED OF VOTERS.—Every male person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector, and every male person of foreign birth, subject to none of the foregoing disqualifications, who not less than six months before an election at which he offers to vote, shall have declared his intention to become a citizen of the United States in accordance with the Federal naturalization laws, and shall have resided in this State one year next preceding such election and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all

electors shall vote in the election precinct of their residence; provided, that electors living in any unorganized county may vote at any election precinct in the county to which such county it attached for judicial purposes; and provided further that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before he offers to vote at any election in this State and hold a receipt showing his poll tax paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election. And this provision of the Constitution shall be self-enacting without the necessity of further legislation.

SEC. 3. ELECTORS IN TOWNS AND CITIES; ONLY PROPERTY TAXPAYERS TO VOTE IN CERTAIN INSTANCES.—All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

SEC. 4. ELECTION BY BALLOT; REGISTRATION IN CITIES OF 10,000 INHABITANTS OR MORE.—In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more.

SEC. 5. VOTERS PRIVILEGED FROM ARREST.—Voters shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom.

ARTICLE VII.

EDUCATION—THE PUBLIC FREE SCHOOLS.

SECTION 1. PUBLIC SCHOOLS TO BE ESTABLISHED.—A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. PROVISIONS GOVERNING THE LEVY AND COLLECTION OF TAXES FOR THE SUPPORT OF THE PUBLIC FREE SCHOOLS.—All funds, lands and other property heretofore set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations, of any nature whatsoever, one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same shall constitute a perpetual public school fund.

SEC. 3. SCHOOL TAXES.—One-fourth of the revenue derived from the State occupation taxes and a poll tax of one (\$1.00) dollar on every inhabitant of this State, between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the one hundred (\$100.00) dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out of the said tax to provide free text-books for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State, and the Legislature may also provide for the formation of school districts by general or special law without the local notice required in other cases of special legislation; and all such school districts, whether created by general or special law may embrace parts of two or more counties. And the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for

the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties. And the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and the erection and equipment of school buildings therein; provided, that a majority of the qualified property taxpaying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law.

SEC. 3a. COUNTY LINE DISTRICTS; VALIDATION; BONDS; TAXATION.—Every school district heretofore formed, whether formed under the general law or by special act, and whether the territory embraced within its boundaries lies wholly within a single county or partly in two or more counties, is hereby declared to be, and from its formation to have been, a valid and lawful district.

All bonds heretofore issued by any such districts which have been approved by the Attorney General and registered by the Comptroller are hereby declared to be, and at the time of their issuance to have been, issued in conformity with the Constitution and laws of this State, and any and all such bonds are hereby in all things validated and declared to be valid and binding obligations upon the district or districts issuing the same.

Each such district is hereby authorized to, and shall, annually levy and collect an ad valorem tax sufficient to pay the interest on all such bonds, and to provide a sinking fund sufficient to redeem the same at maturity, not to exceed such a rate as may be provided by law under other provisions of this Constitution. And all trustees heretofore elected in districts made up of more than one county are hereby declared to have been duly elected, and shall be and are hereby named as trustees of their respective districts, with power to levy the taxes herein authorized until their successor shall be duly elected and qualified as is or may be provided by law.

SEC. 4. SALE OF SCHOOL LANDS; NO RELEASE TO PURCHASERS; THE INVESTMENT OF PROCEEDS.—The lands

herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

SEC. 5. PERMANENT SCHOOL FUND; INTEREST; ALIENATION; SECTARIAN SCHOOLS.—The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the Legislature may add not exceeding one per cent annually of the total value of the permanent school fund; such value to be ascertained by the Board of Education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in such manner as may be provided by law.

SEC. 6. COUNTY SCHOOL LANDS; LIMITATIONS; SETTLERS; PROCEEDS.—All lands heretofore or hereafter granted to the several counties of this State for educational purposes are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners court of the county. Actual settlers residing on said land shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held

by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments, the interest thereon and other revenue, except the principal, shall be available fund.

SEC. 7. SCHOOLS FOR WHITE AND COLORED.—Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. BOARD OF EDUCATION.—The Governor, Comptroller and Secretary of State shall constitute a board of education, who shall distribute said funds to the several counties and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS.

SEC. 9. LANDS OF ASYLUMS; SALE.—All lands heretofore granted for the benefit of the lunatic, blind, deaf and dumb, and orphan asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the Legislature may provide for the sale of the lands and the investment of the proceeds in the manner as provided for the sale and investment of school lands in Section 4 of this article.

UNIVERSITY.

SEC. 10. UNIVERSITY LANDS AND FUNDS.—The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State and styled "The University of Texas," for the promotion of literature and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. FUNDS OF UNIVERSITY, HOW INVESTED.—In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of

the same, heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent University fund. And the same as realized and received into the Treasury of the State (together with such sum belonging to the fund as may now be in the Treasury), shall be invested in bonds of the State of Texas, if the same can be obtained; if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section; provided, that the one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an Act of the Legislature of February 11, 1858, entitled "An Act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent University fund.

SEC. 12. LANDS TO BE SOLD; RELIEF OF PURCHASERS.—The land herein set apart to the University fund shall be sold under such regulations, at such times and on such terms as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. AGRICULTURAL AND MECHANICAL COLLEGE; APPROPRIATIONS.—The Agricultural and Mechanical College of Texas, established by an Act of the Legislature passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith. And the Legislature shall at its next session make an appropriation not to exceed forty thousand dollars for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. BRANCH UNIVERSITY FOR COLORED.—The Legislature shall also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; provided, that no tax shall be levied and no money appropriated out of the general

revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. LAND APPROPRIATED FOR UNIVERSITIES TO BE SOLD.—In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the endowment, maintenance and support of said university and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as is provided for the sale and investment of the permanent University fund; and the Legislature shall not have the power to grant any relief to the purchasers of said lands.

ARTICLE VIII.

TAXATION AND REVENUE.

SECTION 1. TAXATION TO BE EQUAL AND UNIFORM; OCCUPATION AND INCOME TAXES; EXEMPTIONS; LIMITATIONS UPON COUNTIES, CITIES, ETC.—Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; provided, that two hundred and fifty dollars' worth of household and kitchen furniture belonging to each family in this State shall be exempt from taxation; and provided further that the occupation tax levied by any county, city or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business.

SEC. 2. OCCUPATION TAXES; EXEMPTIONS.—All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places

of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools, also the endowment funds of such institutions of learning and religion not used with a view to profit and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer; and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned shall be null and void.

SEC. 3. TAXES TO BE COLLECTED FOR PUBLIC PURPOSES ONLY.—Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. POWER TO TAX CORPORATIONS NOT TO BE SURRENDERED.—The power to tax corporations and corporate property shall not be surrendered or suspended by Act of the Legislature, by any contract or grant to which the State shall be a party.

SEC. 5. RAILROAD TAXES DUE CITIES AND TOWNS.—All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. APPROPRIATIONS; HOW MADE AND FOR WHAT PERIOD.—No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assembling of the Sixteenth Legislature.

SEC. 7. SPECIAL FUNDS NOT TO BE BORROWED OR DIVERTED.—The Legislature shall not have power to borrow, or

in any manner divert from its purpose, any special fund that may, or ought to, come into the Treasury; and shall make it penal for any person or persons to borrow, withhold or in any manner to divert from its purpose, any special fund or any part thereof.

SEC. 8. RAILROAD PROPERTY; HOW ASSESSED.—All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as part of their tax assets.

SEC. 9. RATE OF STATE AND MUNICIPAL TAXATION.—The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools, shall never exceed thirty-five cents on the one hundred dollars' valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars' valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, 1883, and for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars' valuation, in any one year, and except as is in this Constitution otherwise provided; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided, that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars' valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws.

SEC. 10. TAXES NOT TO BE RELEASED EXCEPT BY TWO-THIRDS VOTE OF EACH HOUSE.—The Legislature shall have no power to release the inhabitants of or property in any

county, city or town, from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each House of the Legislature.

SEC. 11. WHERE PROPERTY IS TO BE ASSESSED.—All property, whether owned by persons or corporations, shall be assessed for taxation and the taxes paid in the county where situated, but the Legislature may by a two-thirds vote authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. UNORGANIZED COUNTIES.—All property subject to taxation in, and owned by residents of, unorganized counties shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties and lands lying in the territory not laid off into counties shall be assessed and the taxes thereon collected at the office of the Comptroller of the State.

SEC. 13. TAX SALES; TAX DEEDS; REDEMPTIONS.—Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid; and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; provided, that the former owner shall within two years from date of purchaser's deed have the right to redeem the land upon the payment of double the amount of money paid for the land.

SEC. 14. ELECTION AND QUALIFICATIONS OF ASSESSORS.—There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of State and county officers, an assessor of taxes, who shall hold his office for two years and until his successor is elected and qualified.

SEC. 15. TAX LIENS AND SALES.—The annual assessment made upon landed property shall be a special lien thereon;

and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent, and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

SEC. 16. TAX COLLECTORS.—The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected, to hold office for two years and until his successor shall be elected and qualified.

SEC. 17. POWER OF LEGISLATURE AS TO TAXES.—The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

SEC. 18. EQUALIZATION OF TAXES.—The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the county commissioners court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties.

SEC. 19. FARM PRODUCTS IN THE HANDS OF THE PRODUCER EXEMPT FROM ALL TAXATION.—Farm products in the hands of the producer and family supplies for home and farm use are exempt from all taxation until otherwise directed by a two-thirds vote of all the members-elect to both houses of the Legislature.

ARTICLE IX.

COUNTIES.

SECTION 1. CREATION AND ORGANIZATION OF COUNTIES; CHANGING OF COUNTY LINES.—The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First. In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of popu-

lation and attached for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each house of the Legislature, taken by yeas and nays, and entered on the Journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

COUNTY SEATS.

SEC. 2. HOW COUNTY SEATS ARE CREATED AND CHANGED.

—The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed except by a vote of two-thirds of all electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from a geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the Commissioner of the General Land Office.

ARTICLE X.

RAILROADS.

SECTION 1. RAILROADS CONNECTING AT STATE LINES; CROSSING; CONTINUOUS LINES.—Any railroad corporation or

association organized under the law for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

SEC. 2. PUBLIC HIGHWAYS; COMMON CARRIERS; DUTY OF THE LEGISLATURE; FIXING RATES.—Railroads heretofore constructed or which may hereafter be constructed in this State are hereby declared public highways and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties; and to the further accomplishment of these objects and purposes may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.

SEC. 3. RAILROADS TO KEEP PUBLIC OFFICE IN STATE; DIRECTORS; ANNUAL REPORT.—Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them, respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually under oath to the Comptroller or Governor their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 4. ROLLING STOCK FOR RAILROAD PROPERTY NOT EXEMPT FROM EXECUTION.—The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 5. RAILROADS SHALL NOT CONSOLIDATE WITH COMPETING LINES.—No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

SEC. 6. NO RAILROAD SHALL CONSOLIDATE WITH A FOREIGN ROAD.—No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

SEC. 7. NO STREET OR PUBLIC HIGHWAY SHALL BE USED FOR THE CONSTRUCTION OF STREET RAILWAYS WITHOUT THE CONSENT OF THE LOCAL AUTHORITIES HAVING CONTROL OF THE STREET OR HIGHWAY.—No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 8. CONDITIONS UPON WHICH RAILROAD CORPORATIONS MAY RECEIVE THE BENEFIT OF FUTURE LEGISLATION.—No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 9. UNDER CERTAIN CONDITIONS RAILROADS MUST BE CONSTRUCTED THROUGH COUNTY SEATS.—No railroad hereafter constructed in this State shall pass within a distance

of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains; provided, such town or its citizens shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

ARTICLE XI.

MUNICIPAL CORPORATIONS.

SECTION 1. COUNTIES ARE LEGAL SUBDIVISIONS OF THE STATE.—The several counties of this State are hereby recognized as legal subdivisions of the State.

SEC. 2. PUBLIC BUILDINGS AND ROADS.—The construction of jails, courthouses and bridges, and the establishment of county poorhouses and farms and the laying out, construction and repairing of county roads shall be provided for by general laws.

SEC. 3. NO COUNTY OR MUNICIPAL CORPORATION SHALL BECOME A SUBSCRIBER TO THE CAPITAL STOCK OF ANY PRIVATE CORPORATION OR MAKE ANY DONATION TO THE SAME.—No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

SEC. 4. CITIES AND TOWNS HAVING A POPULATION OF LESS THAN 5000 INHABITANTS TO BE CHARTERED BY GENERAL LAWS; DUES TO BE COLLECTED IN CURRENT MONEY.—Cities and towns having a population of five thousand or less may be chartered alone by general law. They may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful for any one year which shall exceed one and one-half per cent of the taxable property of such city; and all taxes shall be collectible only in current money, and all licenses and occupation taxes levied, and all fines, forfeitures and penalties accruing to said cities and towns shall be collectible only in current money.

SEC. 5. CITIES OF MORE THAN 5000 INHABITANTS MAY BY A MAJORITY VOTE OF THE QUALIFIED VOTERS ADOPT THEIR OWN CHARTER; LIMITATION AS TO TAXATION AND

DEBT.—Cities having more than five thousand (5000) inhabitants may by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature, and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State or of the general laws enacted by the Legislature of this State; said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year which shall exceed two and one-half per cent of the taxable property of such city, and no debt shall ever be created by any city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent thereon; and provided further that no city charter shall be altered, amended or repealed oftener than every two years.

SEC. 6. MUNICIPAL TAXATION.—Counties, cities and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government and shall, when levied, specify in the act of levying the purpose therefor; and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied.

SEC. 7. TAXATION OF SEAWALLS, ETC.; RESTRICTIONS AND LIMITATIONS; EMINENT DOMAIN.—All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the taxpayers therein (to be ascertained as may be provided by law), to levy and collect such tax for construction of seawalls, breakwaters or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent as a sinking fund; and the condemnation of the right of way for the erection of such work shall be fully provided for.

SEC. 8. STATE AID FOR SEAWALLS, ETC.—The counties and cities on the gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is specially authorized to aid, by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of seawalls or breakwaters, such aid to be proportioned to the extent and value of the works constructed or to be constructed in any locality.

SEC. 9. PUBLIC BUILDINGS, ETC.—The property of counties, cities and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation; provided, nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

SEC. 10. CITY OR TOWN MAY BE SCHOOL DISTRICT; SPECIAL TAX.—The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at an election held for that purpose, two-thirds of the taxpayers of such city or town shall vote for such tax.

ARTICLE XII.

PRIVATE CORPORATIONS.

SECTION 1. CORPORATIONS CREATED BY GENERAL LAWS.—No private corporation shall be created except by general laws.

SEC. 2. GENERAL LAWS TO BE ENACTED.—General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

SEC. 3. FRANCHISES TO BE UNDER LEGISLATIVE CONTROL.—The right to authorize and regulate freights, tolls, wharf-

age or fares, levied and collected or proposed to be levied and collected by individuals, companies or corporations for the use of highways, landings, wharves, bridges and ferries, devoted to public use, has never been and never shall be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. CHARGES AND COLLECTIONS OF FREIGHTS, WHARFAGE, FARES OR TOLLS FOR THE USE OF PROPERTY DEVOTED TO THE PUBLIC PROHIBITED EXCEPT SPECIALLY AUTHORIZED BY LAW.—The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney General and district or county attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges, as freight, wharfage, fares or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. FREIGHTS, WHARFAGE, FARES OR TOLLS SUBJECT TO LEGISLATIVE CONTROL.—All laws granting the right to demand and collect freights, fares, tolls or wharfage shall at all times be subject to amendment, modification or repeal by the Legislature.

SEC. 6. THE ISSUANCE OF STOCKS AND BONDS BY CORPORATIONS PROHIBITED EXCEPT FOR MONEY PAID AND LABOR DONE, ETC.—No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

SEC. 7. VESTED RIGHTS PROTECTED.—Nothing in this article shall be construed to divest or affect rights guaranteed by an existing grant or statute of this State or of the Republic of Texas.

ARTICLE XIII.

SPANISH AND MEXICAN LAND TITLES.

SECTION 1. FINES, PENALTIES AND ESCHEATS.—All fines, penalties, forfeitures and escheats which have heretofore accrued to the Republic and State of Texas under their Constitutions and laws shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited and for giving effect of escheats; and all such rights of forfeiture and

escheat to the State shall, ipso facto, inure to the protection of the innocent holders of junior titles, as provided in Sections 2, 3, and 4 of this article.

SEC. 2. LANDS NOT RECORDED, ARCHIVED OR IN POSSESSION.—Any claim of title or right to land in Texas, issued prior to the 13th day of November, 1835, not duly recorded in the county where the land was situated at the time of such record, or not duly archived in the General Land Office, or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have, standing or effect against such junior title, or color of title, acquired without such or actual notice of such prior claim of title or right; and no condition annexed to such grants, not archived or recorded, or occupied as aforesaid, has been or ever shall be released or waived, but actual performance of all such conditions, shall be proved by the person or persons claiming under such title or claim of right in order to maintain action thereon, and the holder of such junior title, or color of title, shall have all the rights of the government which have heretofore existed, or now exist, arising from the non-performance of all such conditions.

SEC. 3. NON-PAYMENT OF TAXES; PRESUMPTIONS.—Non-payment of taxes on any claim of title to land dated prior to the 13th day of November, 1835, not recorded or archived, as provided in Section 2, by the person or persons so claiming or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution shall be held to be a presumption that the right thereto has reverted to the State, and that said claim is a stale demand, which presumption shall only be rebutted by payment of all taxes on said lands, State, county and city or town, to be assessed on the fair value of such lands by the Comptroller, and paid to him, without commutation or deduction for any part of the above period.

SEC. 4. TITLES NOT TO BE RECORDED OR ARCHIVED; ACTUAL POSSESSION; "DULY RECORDED" DEFINED.—No claim of title or right to land which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at the time of such record, or which has not been duly archived in the General Land Office, shall ever hereafter be deposited in the General Land

Office, or recorded in this State, or delineated on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not affect such rights or presumptions as arise from actual possession. By the words "duly recorded" as used in Sections 2 and 4 of this article it is meant that such claim of title or right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

SEC. 5. CERTAIN CLAIMS DECLARED VOID.—All claims, locations, surveys, grants and titles of any kind which are declared null and void by the Constitution of the Republic or State of Texas are, and the same shall remain forever, null and void.

SEC. 6. FORGERS OF LAND TITLES.—The Legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

SEC. 7. CERTAIN SECTIONS NOT A REPEAL OF LAWS.—Sections 2, 3, 4 and 5 of this article shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

ARTICLE XIV.

PUBLIC LANDS AND LAND OFFICE.

SECTION 1. GENERAL LAND OFFICE; GRANTS TO BE REGISTERED IN; LAND OFFICE TO BE SELF-SUSTAINING.—There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

SEC. 2. REVIVAL, SURVEY AND LOCATION OF GENUINE CERTIFICATES.—All unsatisfied genuine land certificates

barred by Section 4, Article 10, of the Constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the 1st day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land Office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after issuance, or be forever barred; provided, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed or patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the General Land Office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

SEC. 3. GRANTS TO RAILWAYS.—The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions:

First. That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second. That no land certificate shall be issued to such company until they have equipped, constructed and in running order at least ten miles of road; and on failure of such company to comply with the terms of its charter, or to alienate its lands at a period fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give effect to the provisions of this section.

SEC. 4. SALE OF LANDS TO ACTUAL SETTLERS.—No certificate for land shall be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

SEC. 5. ALIENATION OF RAILROAD GRANTS; DUTY OF ATTORNEY GENERAL.—All lands heretofore or hereafter granted to railroad companies, where the charter or law of the State

required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters, and the laws under which the grants were made, are hereby declared forfeited to the State, and subject to pre-emption, location and survey, as other vacant lands. All lands heretofore granted to said railroad companies to which no forfeiture was attached, on their failure to alienate, are not included in the foregoing clause, but in all such last named cases it shall be the duty of the Attorney General, in every instance where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated, to forfeit such lands to the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location and survey.

SEC. 6. GRANTS TO HEADS OF FAMILIES AND SINGLE MEN.

—To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he will select and locate said land, and occupy the same three years, and pay the office fees due thereon. To all single men of eighteen years of age and upwards shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

SEC. 7. MINES AND MINERALS RELEASED TO OWNERS OF THE SOIL.—The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

SEC. 8. TIME EXTENDED TO COMPLY WITH ACT OF 1870.—Persons residing between the Nueces river and the Rio Grande and owning grants for lands which emanated from the government of Spain, or that of Mexico, which grants have been recognized and validated by the State, by Acts of the Legislature, approved February 10, 1852, August 15, 1870, and other Acts, and who have been prevented from complying with the requirements of said Acts by the unsettled condition of the country, shall be allowed until the 1st day of January, 1880, to complete their surveys and the plots thereof, and to return their field notes to the General Land Office;

and all claimants failing to do so shall be forever barred; provided, nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV.

IMPEACHMENT.

SECTION 1. POWER OF IMPEACHMENT VESTED IN THE HOUSE OF REPRESENTATIVES.—The power of impeachment shall be vested in the House of Representatives.

SEC. 2. TRIAL BY SENATE.—Impeachment of the Governor, Lieutenant Governor, Attorney General, Treasurer, Commissioner of the General Land Office, Comptroller, and the judges of the Supreme Court, Courts of Appeal and district courts shall be tried by the Senate.

SEC. 3. OATH OF SENATORS.—When the Senate is sitting as a court of impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. JUDGMENT; PARTY CONVICTED SUBJECT TO INDICTMENT UNDER THE CRIMINAL LAWS.—Judgment in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under this State. A party convicted on impeachment shall also be subject to indictment, trial and punishment, according to law.

SEC. 5. OFFICERS SUSPENDED DURING PENDING PROCEEDINGS.—All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office during the pendency of such impeachment. The Governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer until the decision on the impeachment.

SEC. 6. REMOVAL OF DISTRICT JUDGES.—Any judge of the district courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable measure the business

in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing, upon the oaths, taken before some judge of a court of record, of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the Supreme Court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to facts of credible witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. TRIAL AND REMOVAL OF OTHER OFFICERS.—The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution.

ADDRESS.

SEC. 8. REMOVAL OF JUDGES OF SUPREME COURT AND COURTS OF APPEAL AND OF DISTRICT COURTS.—The judges of the Supreme Court, Courts of Appeal and district courts shall be removed by the Governor on the address of two-thirds of each house of the Legislature, for wilful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment; provided, however, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the Journals of each house; and provided further, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays and entered on the Journals of each house, respectively.

ARTICLE XVI.

GENERAL PROVISIONS.

SECTION 1. OFFICIAL OATH.—Members of the Legislature and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I, . . . , do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me as, according to the best of my skill and ability,

agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear (or affirm) that since the adoption of the Constitution of this State, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. And I furthermore solemnly swear (or affirm) that I have not, directly or indirectly, paid, offered or promised to pay, contributed nor promised to contribute any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected (or, if the office is one of appointment, to secure my appointment). So help me God."

SEC. 2. RIGHT OF SUFFRAGE TO BE PROTECTED; CRIMINALS DISFRANCHISED.—Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be convicted of bribery, perjury, forgery or other high crimes. The privileges of free suffrage shall be protected by laws, regulating elections and prohibiting, under adequate penalties, all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. FINES AND COSTS TO BE DISCHARGED BY MANUAL LABOR.—The Legislature shall make provisions whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. DUELING PROHIBITED.—Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 5. BRIBERY IN ELECTIONS DISQUALIFICATION FOR HOLDING OFFICE.—Every person shall be disqualified from holding any office of profit or trust in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. APPROPRIATIONS FOR PRIVATE PURPOSES PROHIBITED; EXPENDITURES TO BE PUBLISHED.—No appropriation for private or individual purposes shall be made. A regular statement, under oath, and an account of the receipts and expenditures of all public money, shall be published annually, in such manner as shall be prescribed by law.

SEC. 7. NO PAPER TO CIRCULATE AS MONEY.—The Legislature shall in no case have power to issue “treasury warrants,” “treasury notes,” or paper of any description intended to circulate as money.

SEC. 8. COUNTIES MAY PROVIDE WORKHOUSES, POOR-HOUSES AND FARMS.—Each county in the State may provide, in such manner as may be prescribed by law, a manual labor poorhouse and farm, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants.

SEC. 9. ABSENCE ON BUSINESS OF THE STATE OR UNITED STATES SHALL NOT FORFEIT A RESIDENCE ONCE OBTAINED.—Absence on business of the State or of the United States shall not forfeit a residence once obtained, so as to deprive anyone of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 10. DEDUCTIONS FROM SALARIES TO BE PROVIDED FOR.—The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned by law.

SEC. 11. USURIOUS INTEREST PROHIBITED.—All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon the rate shall not exceed six per centum per annum.

SEC. 12. OFFICERS NOT ELIGIBLE.—No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature or hold or exercise any office of profit or trust under this State.

SEC. 13. **LEGISLATURE SHALL PASS ARBITRATION LAWS.**—It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 14. **RESIDENCE OF OFFICERS.**—All civil officers shall reside within the State, and all district or county officers within their districts or counties, and shall keep their offices at such places as may be required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. **WIFE'S SEPARATE PROPERTY.**—Any property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 16. **BANKING CORPORATIONS.**—The Legislature shall, by general laws, authorize the incorporation of corporate bodies with banking and discounting privileges, and shall provide for a system of State supervision, regulation and control of such bodies which will adequately protect and secure the depositors and creditors thereof.

Each shareholder of such corporate body incorporated in this State, so long as he owns shares therein, and for twelve months after the date of any bona fide transfer thereof, shall be personally liable for all debts of such corporate body existing at the date of such transfer to an amount additional to the par value of such shares so owned or transferred, equal to the par value of such shares so owned or transferred.

No such corporate body shall be chartered until all of the authorized capital stock has been subscribed and paid for in full in cash. Such body corporate shall not be authorized to engage in business at more than one place, which shall be designated in its charter.

No foreign corporation, other than the national banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

SEC. 17. **OFFICERS TO PERFORM DUTIES UNTIL SUCCESSOR IS QUALIFIED.**—All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. VESTED RIGHTS.—The rights of property and of action, which have been acquired under the Constitution and the laws of the Republic and State, shall not be divested; nor shall any rights or actions which have been divested, barred or declared null and void by the Constitution of the Republic and State, be reinvested, renewed or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution, unless otherwise herein provided; and provided further, that no cause of action heretofore barred shall be revived.

SEC. 19. QUALIFICATIONS OF JURORS.—The Legislature shall prescribe by law the qualifications of grand and petit jurors.

SEC. 20. (a) The manufacture, sale, barter and exchange in the State of Texas, of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever except for medicinal, mechanical, scientific or sacramental purposes, are each and all hereby prohibited.

The Legislature shall enact laws to enforce this section.

(b) Until the Legislature shall prescribe other or different regulations on the subject, the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, or any other intoxicant whatever, for medicinal purposes shall be made only in cases of actual sickness and then only upon the prescription of a regular practicing physician, subject to the regulations applicable to sales under prescriptions in prohibited territory by virtue of Article 598, Chapter 7, Title 11, of the Penal Code of the State of Texas.

(c) This amendment is self-operative and until the Legislature shall prescribe other or different penalties. Any person acting for himself or in behalf of another, or in behalf of any partnership, corporation or association of persons, who shall, after the adoption of this amendment violate any part of this constitutional provision, shall be deemed guilty of a felony, and shall, upon conviction in a prosecution commenced, carried on and concluded in the manner prescribed by law in cases of felonies, be punished by confinement in the penitentiary for a period of time not less than one year nor more than five years, without the benefit of any law providing for suspended sentence. And the district courts and the judges thereof, under their equity pow-

ers, shall have the authority to issue, upon suit of the Attorney General, injunctions against infractions or threatened infractions of any part of this constitutional provision.

(d) Without affecting the provisions herein, intoxicating liquors are declared to be subject to the general police power of the State; and the Legislature shall have the power to pass any additional prohibitory laws, or laws in aid thereof, which it may deem advisable.

(e) Liability for violating any liquor laws in force at the time of the adoption of this amendment shall not be affected by this amendment, and all remedies, civil and criminal, for such violations shall be preserved. (Adopted 1919.)

SEC. 21. STATIONERY; PUBLIC PRINTING.—All stationery and printing, except proclamations and such printing as may be done at the Deaf and Dumb Asylum, paper and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished and the printing and binding of the laws, Journals and department reports and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contract; and all such contracts shall be subject to the approval of the Governor, Secretary of State and Comptroller.

SEC. 22. FENCE LAWS.—The Legislature shall have the power to pass such fence laws, applicable to any subdivision of the State or county, as may be needed to meet the wants of the people.

SEC. 23. STOCK LAWS.—The Legislature may pass laws for the regulation of live stock and the protection of stock raisers in the stock raising portion of the State, and exempt from the operation of such laws other portions, sections or counties; and shall have power to pass general and special laws for the inspection of cattle, stock and hides, and for the regulation of brands; provided, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them before it shall go into effect.

SEC. 24. **ROADS; CONVICT LABOR.**—The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures, and convict labor to all these purposes.

SEC. 25. **DRAWBACKS AND REBATES IN FREIGHT, INSURANCE, TRANSPORTATION, STORAGE, ETC., PROHIBITED.**—That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service, of or to any cotton, grain or any other produce or article of commerce, in this State, paid or allowed or contracted for to any common carrier, shipper, merchant, commission merchant, factor, agent, or middleman of any kind not the true and absolute owner thereof are forever prohibited; and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive or contract for or respecting the same.

SEC. 26. **HOMICIDE; CIVIL ACTION FOR.**—Every person, corporation or company that may commit a homicide, through wilful act or omission or gross neglect, shall be responsible in exemplary damages to the surviving husband, widow, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 27. **VACANCIES IN OFFICES FOR UNEXPIRED TERMS ONLY.**—In all elections to fill vacancies of office in this State, it shall be to fill the unexpired term only.

SEC. 28. **WAGES EXEMPT FROM GARNISHMENT.**—No current wages for personal service shall ever be subject to garnishment.

SEC. 29. **BARRATRY TO BE PROHIBITED.**—The Legislature shall provide by law for defining and punishing barratry.

SEC. 30. **DURATION OF OFFICES; TERM OF RAILROAD COMMISSIONER.**—The duration of all offices not fixed by this Constitution shall never exceed two years; provided, that when a Railroad Commission is created by law it shall be composed of three Commissioners, who shall be elected by the people at a general election for State officers, and their term of office shall be six years; provided, Railroad Commissioners first elected after this amendment goes into effect shall hold office as follows: One shall serve two years and one four years, and one six years, their terms to be decided by lot, immediately

after they shall have qualified. And one Railroad Commissioner shall be elected every two years thereafter. In case of vacancy in said office, the Governor of the State shall fill said vacancy by appointment until the next general election.

SEC. 30a. BOARD OF REGENTS, TRUSTEES, MANAGERS, ETC.; TERM OF OFFICE.—The Legislature may provide by law that the members of the Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary and penal institutions of the State, and such boards as have been or may hereafter be established by law, may hold their respective offices for the term of six (6) years, one-third of the members of such boards to be elected or appointed every two years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section.

SEC. 31. QUALIFICATIONS OF PHYSICIANS TO BE PRESCRIBED.—The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to any schools of medicine.

SEC. 32. BOARD OF HEALTH AND VITAL STATISTICS.—The Legislature may provide by law for the establishment of a Board of Health and Vital Statistics, under such rules and regulations as it may deem proper.

SEC. 33. PAYMENT OF WARRANTS BY ACCOUNTING OFFICERS.—The accounting officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person, for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under this State or the United States, except as prescribed in this Constitution.

SEC. 34. HOW FORTS MAY BE ACQUIRED BY THE UNITED STATES.—The Legislature shall pass laws authorizing the Governor to lease or sell to the government of the United States a sufficient quantity of the public domain of the State necessary for the erection of forts, barracks, arsenals or military stations or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

SEC. 35. LABORERS ON PUBLIC WORKS TO BE PROTECTED.—The Legislature shall, at its first session, pass laws to pro-

test laborers on public buildings, streets, roads, railroads, canals and other similar public works, against the failure of contractors and subcontractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done responsible for their ultimate payment.

SEC. 36. PAYMENT OF SCHOOL TEACHERS PROVIDED FOR.—The Legislature shall, at its first session, provide for the payment or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools by the State, for services rendered prior to the 1st day of July, 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such districts to January, 1876.

SEC. 37. MECHANIC'S LIENS TO BE ENFORCED.—Mechanics, artisans and material men of every class shall have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said laws.

SEC. 38. COMMISSIONER OF INSURANCE, STATISTICS AND HISTORY.—The Legislature may, at such time as the public interest may require, provide for the office of Commissioner of Insurance, Statistics and History, whose term of office, duties and salary shall be prescribed by law.

SEC. 39. MEMORIALS OF TEXAS HISTORY.—The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings and documents of historical value.

SEC. 40. ONLY ONE CIVIL OFFICE TO BE HELD EXCEPT JUSTICE OF THE PEACE OR COUNTY COMMISSIONER, ETC.—No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public and postmaster, unless otherwise specially provided herein.

SEC. 41. BRIBERY OF CERTAIN OFFICIALS TO BE PROHIBITED.—Any person who shall, directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be

guilty of bribery and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer, who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of the Constitution, and shall incur the disabilities provided for such offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

SEC. 42. LEGISLATURE MAY PROVIDE FOR INEBRIATE ASYLUM.—The Legislature may establish an inebriate asylum for the cure of drunkenness and the reform of inebriates.

SEC. 43. NO EXEMPTION FROM PUBLIC SERVICE.—No man or set of men shall ever be exempted, relieved or discharged from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

SEC. 44. COUNTY TREASURER AND SURVEYOR.—The Legislature shall prescribe the duties, and provide for the election, by the qualified voters of each county in this State, of a county treasurer and a county surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified; and shall have such compensation as may be provided by law.

SEC. 45. RECORDS OF THE HISTORY OF TEXAS.—It shall be the duty of the Legislature to provide for collecting, arranging and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas as may be now in the possession of parties willing to confide them to the care and preservation of the State.

SEC. 46. MILITIA TO BE ORGANIZED.—The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 47. SCRUPLES AGAINST BEARING ARMS.—Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. LAWS TO REMAIN IN FORCE.—All laws and parts of laws now in force in the State of Texas which are not repugnant to the Constitution of the United States or to this Constitution shall continue and remain in force as the laws of this State until they expire by their own limitation or shall be amended or repealed by the Legislature.

SEC. 49. EXEMPTIONS FROM FORCED SALES.—The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also unmarried adults, male and female.

SEC. 50. HOMESTEAD EXEMPTIONS; INCUMBRANCES; PRETENDED SALES.—The homestead of a family shall be, and is hereby, protected from forced sale for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed or other lien on the homestead shall ever be valid, except for the purchase money therefor, or improvements made thereon, as hereinbefore provided, whether such mortgage or trust deed or other lien shall have been created by the husband alone or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

SEC. 51. HOMESTEAD DEFINED.—The homestead not in a town or city shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the im-

provements thereon; the homestead in a city, town or village shall consist of lot or lots, not to exceed in value five thousand dollars at the time of their designation as the homestead, without reference to the value of any improvements thereon; provided, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of the family; provided, also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SEC. 52. DESCENT OF HOMESTEAD.—On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having jurisdiction, to use and occupy the same.

SEC. 53. DECLARATION VALIDATING PROCESS AND WRITS.—That no inconvenience may arise from the adoption of this Constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this Constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this Constitution.

SEC. 54. INDIGENT LUNATICS.—It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

SEC. 55. PENSIONS.—The Legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835 until the first of January, 1837; and also to the surviving signers of Declaration of Independence of Texas; and to the surviving widows, continuing unmarried, of such soldiers and signers; provided, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the county court of the county

where the applicant resides, in such manner as may be provided by law.

SEC. 56. NO APPROPRIATION FOR IMMIGRATION.—The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

SEC. 57. LAND SET ASIDE FOR STATE CAPITOL.—Three million acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State Capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the Legislature; and the Legislature shall pass suitable laws to carry this section into effect.

SEC. 58. BOARD OF PRISON COMMISSIONERS; TERM OF OFFICE, ETC.—The Board of Prison Commissioners, charged by law with the control and management of the State prisons, shall be composed of three members, appointed by the Governor, by and with the consent of the Senate, and whose term of office shall be six years or until their successors are appointed and qualified; provided, that the terms of office of the Board of Prison Commissioners first appointed after the adoption of this amendment shall begin on January 20th of the year following the adoption of this amendment, and shall hold office as follows: One shall serve two years, one four years and one six years, their terms to be decided by lot after they shall have qualified, and one Prison Commissioner shall be appointed every two years thereafter. In case of a vacancy in said office, the Governor of this State shall fill said vacancy by appointment for the unexpired term thereof.

SEC. 59. (a) The conservation and development of all the natural resources of this State, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public

rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto.

(b) There may be created within the State of Texas, or the State may be divided into, such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of this amendment to the Constitution, which districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges and functions concerning the subject matter of this amendment as may be conferred by law.

(c) The Legislature shall authorize all such indebtedness as may be necessary to provide all improvements and the maintenance thereof requisite to the achievement of the purposes of this amendment, and all such indebtedness may be evidenced by bonds of such conservation and reclamation districts, to be issued under such regulations as may be prescribed by law and shall, also, authorize the levy and collection within such districts of all such taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of such bonds; and also for the maintenance of such districts and improvements, and such indebtedness shall be a lien upon the property assessed for the payment thereof; provided the Legislature shall not authorize the issuance of any bonds or provide for any indebtedness against any reclamation district unless such proposition shall first be submitted to the qualified property taxpaying voters of such district and the proposition adopted. (Adopted 1917.)

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION OF THE STATE.

SECTION 1. HOW THE CONSTITUTION IS TO BE AMENDED.

—The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each house, to be entered by yeas and nays on the Journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county in which such newspaper may be published;

and it shall be the duty of the several returning officers of said election to open a poll for and make returns to the Secretary of State of the number of legal votes cast at said election for and against said amendment; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment the said amendment so receiving a majority of the votes cast shall become a part of this Constitution, and proclamation shall be made by the Governor thereof.

RULES OF THE HOUSE OF REPRESENTATIVES.

WITH

NOTES AND ANNOTATIONS.

RULE I.

DUTIES AND RIGHTS OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at its last sitting, but if no hour was fixed at such sitting, then at 1 o'clock p. m., and immediately call the members to order and ascertain the presence of a quorum by a roll call of the members of the House.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by law, of the Hall of the House and its lobby and galleries and the corridors and passages and unappropriated rooms in that part of the Capitol assigned to the use of the House.

4. He shall lay before the House its business in the order indicated by the rules, and shall receive propositions made by members, and put them to the House, and shall enforce the rules of the House and the legislative rules prescribed in the Constitution.

5. He shall rise to put a question, but may state it sitting; and he shall put questions distinctly in this form, to-wit: "As many as are in favor (as the question may be) say 'aye,'" and after the affirmative vote is expressed, "As many as are opposed say 'no.'" If the Speaker be in doubt as to the result, or if a division is called for, the House shall divide; those in the affirmative on the question shall rise from their seats and remain standing until the Clerk has numbered (counted) them and the number has been announced by the Speaker; those who vote in the negative are then requested to rise, and they are numbered (counted) and the number announced. The yeas and nays may be called for before the decision of the Speaker is announced.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where

the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

In the National House of Representatives, the Speaker has exercised the duty of giving a decisive vote after the intervention of other business, and even on another day, when a correction in a roll made his vote decisive.

7. He shall decide all questions of order, subject to an appeal to the House made by any ten members, on which appeal no member shall speak more than once, unless by leave of the House. Pending an appeal, no motion shall be in order except to adjourn, to lay on the table, for the previous question, and the call of the House.

In the practice in Congress the Speaker may require that a question of order be presented in writing. He is not required to decide a question not directly presented by the proceedings. Debate being for his information, is within his discretion. Questions arising during a division are decided peremptorily, and, when they arise out of any other question, must be decided before that question. He does not decide on the legislative effect of propositions, or on the consistency of proposed action with other acts of the House, or on the constitutional powers of the House, or on the propriety or expediency of a proposed course of action.

The Speaker may submit a point of order relating to the constitutionality of a proposition, or any other point of order on which he does not wish to rule, direct to the House for its decision.

The right of appeal cannot be taken away from the House; but appeals may not be entertained from a response to parliamentary inquiries, on a question of recognition, or on decisions as to dilatory motions. Appeals on questions as to the priority of business must be decided without debate.

A member called to the chair pending an appeal cannot entertain or decide any other point of order until the appeal has first been determined by the House, and no business whatever shall be transacted pending the appeal except that which is named in the above rule, which is itself subsidiary to the decision of the appeal.

While an appeal is pending it is not in order to appeal from the ruling of a member called to the chair pending the decision of the appeal.

8. He shall examine, correct and approve the Journal of each day's proceedings before the same shall be printed.

9. All committees and the chairmen of the same shall be appointed by the Speaker, unless otherwise specifically directed by the House, in which case they shall be elected; and if, upon such vote, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second vote in which a plurality shall prevail; and in case a greater number than that required to compose or complete a

committee shall have an equal number of votes, the House shall take another vote.

10. All acts, addresses and joint resolutions shall be signed by the Speaker, as required by the Constitution; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the Chief Clerk or the Acting Chief Clerk.

Enrolled bills are signed first by the Speaker and then by the Chief Clerk.

11. The Speaker shall have the right to name any member to perform the duties of the Chair; provided, however, that if the House is not in session, the Speaker shall deliver a written order to the Chief Clerk naming the member who shall call the House to order and preside during the absence of the Speaker.

12. All employes of the House shall be appointed and selected by the Speaker, and he shall have the right to discharge any of them.

RULE II.

ELECTION AND COMPENSATION OF OFFICERS.

All officers of the House shall be elected by ballot, and shall receive such compensation as the House may determine; and, after their salary has been fixed, no further or extra compensation whatsoever shall be allowed them. No officer or other employe of the House shall be permitted to receive, directly or indirectly, whether as a gift or otherwise, any compensation from any person whatsoever other than his regular salary from the House.

Since no rule may be imposed by any Legislature on any future Legislature, this rule and the last section of Rule I are not operative at organization except in so far as their provisions are contained in resolutions providing for employes of the House and for completing the organization of the House.

RULE III.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, and to maintain order under the direction of the Speaker or chairman, and pending the election of a Speaker Pro Tempore, under the direction of the Chief Clerk.

2. He shall have charge, under the Speaker, of the Hall of the House, its lobby and galleries, and all other rooms in the Capitol assigned to the use of the House, and shall keep the same in order.

3. He shall execute the commands of the House from time to time, and all writs and process issued by authority thereof, directed to him by the Speaker.

4. He shall procure and keep for the use of the members and officers of the House such stationery and other supplies as may be ordered by the House or Committee on Contingent Expenses; and he shall keep an itemized account of the quantities of every kind received, the date and price paid therefor, and the persons for whom it was received and to whom it was delivered for use, with the date and quantities of each delivery. The unused remainder, if any, he shall deliver at the close of the session to the Secretary of State for safe keeping. He shall keep his office open daily, except Sunday, until one hour after the adjournment of the House, and on Sunday from 9 a. m. to 10 a. m.

5. The Assistant Sergeant-at-Arms, if any, shall assist the Sergeant-at-Arms in the performance of his duties, and subject to his control and that of the Speaker, shall have the same power.

The Sergeant-at-Arms shall each day report to the Speaker the number of and the time of the receipt of all bills or resolutions from the public printer. By number, is meant the serial number and not the number of the copies printed.

RULE IV.

DUTIES OF THE CLERKS.

1. The Chief Clerk shall have general charge and supervision, under the direction of the Speaker, over the secretarial work of the House; and, pending the election of a Speaker Pro Tempore, he shall call the House to order, preserve order and decorum, and decide all questions of order, subject to appeal of the House. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of bills and joint resolutions, noting at the foot thereof the date of its passage and the vote by which it passed, if by yea and nay vote. In addition to his other duties, the Chief Clerk shall issue all warrants and vouchers of whatever character, and keep an accurate account with all members and employes of the House.

This rule does not apply to warrants or vouchers issued by the Committee on Contingent Expenses.

All messages from the House to the Senate are transmitted by the Chief Clerk. It is his duty to number in their order of filing all bills and joint and concurrent resolutions filed with the House.

All petitions presented by members of the House are filed with the Chief Clerk, and by him are referred to the committee considering the question to which they relate.

2. The Calendar Clerk shall keep the calendars of the House so as to show the action had on, and present status of, all bills and resolutions, and shall have charge of their printing, when authorized by the rules or by the vote of the House. He shall keep an exact record of the times of delivery to the printer of bills and of the return of the printed bills, and shall see to it that all bills are printed in the order of their delivery to the printer. He shall remain at his desk daily (except Sundays) from 8 a. m. to 12 m. and from 1 to 6 p. m., and from 7:30 p. m. until 9 o'clock p. m., and at such other hours as the House or committees may be in session. He shall also have charge of all petitions, memorials, etc., referred to the committees; and when such matters have been returned, he shall carefully keep the same for preservation in the archives of the Legislature.

3. The Calendar Clerk shall keep a register in a well-bound book, in which he will carefully record the order in which all bills and resolutions are delivered to the public printer and the order in which they are returned to the Clerk. This register shall be open to the inspection of the members of the House at all reasonable hours.

4. The Journal Clerk shall keep a journal of the proceedings of the House, in which all proceedings, when not acting under Committee of the Whole, shall be entered as concisely and accurately as possible. In this journal there shall be entered the number and caption of every bill introduced. All simple and concurrent resolutions, and motions, all amendments, and all questions of order, with the decision thereon, and messages from the Governor and Senate shall be entered in full. Lists of all committee reports shall also be printed in the Journal.

Minority reports are printed with the bill or resolution to which they relate, and are rarely printed in the Journal. Senate amendments which are laid before the House for concurrence, etc., are also usually omitted from the Journal, unless they are ordered printed in it by the House.

Every vote of the House shall also be entered on the Journal with a concise statement of the action and of the result.

Pairs are entered on the Journal as a part of the vote.

Reasons for votes on a yea and nay vote may be filed with the Journal Clerk for publication in the Journal.

Motions not entertained and resolutions and amendments held out of order when no question of order has been raised are not required to be printed in the Journal.

The Journal, as made up each day, shall be submitted to the Speaker for his examination, correction and approval, and when approved by him, shall be printed under the supervision of the Journal Clerk, and copies thereof laid upon the desk of each member on the succeeding day; but it need not be read unless upon motion therefor by a majority vote.

5. The Engrossing Clerk shall write out, in a fair, legible hand, or with a typewriter, without erasures, interlineations or additions in the margin, all bills and joint resolutions that have passed their second reading and have been ordered to be engrossed. He shall submit his work to the Committee on Engrossed Bills, before the same is returned to the House, for their examination, correction and approval; and he shall perform such other clerical work for the House or its committees as he may be assigned to by the Speaker.

This rule applies only to House bills.

An engrossed copy of a bill shows it as amended on second reading. If the engrossed bill is amended on third reading, copies of these amendments accompany the engrossed copy of the bill to the Senate as "engrossed riders."

6. The Enrolling Clerk shall enroll all House bills, joint resolutions and such House concurrent resolutions as are required to be presented to the Governor that have passed both houses, typewriting them without erasures, interlineations or additions in the margin; and after they have been examined by the Committee on Enrolled Bills and found truly enrolled, they shall be immediately copied in a letter press copy book by the Enrolling Clerk, in the presence of the Committee on Enrolled Bills, and they shall then be reported to the House for the signature of the Speaker and then transmitted to the Senate.

Each House enrolls its own bills and resolutions. All concurrent resolutions except those relating to adjournment are required to be enrolled and presented to the Governor for his approval.

7. The Reading Clerk and his assistant, if any, shall call all rolls of the House in the alphabetical order of the names

of the members, and shall read aloud all bills, resolutions, motions and other written matter required by the rules or directed by the Speaker to be read. They shall remain standing while reading or calling the roll. In the event of the absence, resignation or death of the Chief Clerk, the Reading Clerk shall take charge of and attend to all the duties of the office until the Chief Clerk returns or his successor is elected.

The Reading Clerk is charged with the important duty of recording the votes of the members on all yeas and nays and of counting the votes to ascertain the results.

8. Any clerk, employe or officer of the House, other than the Speaker, who shall, directly or indirectly, attempt to influence any member of the House in favor of or against any measure pending before the House or use his official position in aiding anyone lobbying in respect to any measure or question pending before the House, shall be subject to discharge by the House on account of such misconduct. This section shall not apply when such persons are answering questions or giving information at the request of any member of the House; provided further, that any standing committee of the House, by a majority vote of the members present, may grant any clerk, officer or employe the right to appear before such committee and make known his views on any measure pending before such committee.

9. All clerks and stenographers shall report daily, except Sundays, from 8 a. m. to 12 m. and from 1:30 to 6 p. m., and at such other hours as the House or the committee to which they have been assigned may be in session, or as they may be directed by the Speaker. A daily record of the arrivals and departures of clerks and stenographers shall be kept by the Chief Clerk.

RULE V.

DUTIES OF THE DOORKEEPER.

The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall, and when the House is under call shall permit no member to leave the Hall without written permission from the Speaker. Five minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain.

See Section 1, Rule XXVII, for list of persons entitled to privileges of floor when House is in session; and this rule may not be suspended.

RULE VI.

DUTIES OF THE CHAPLAIN.

The Chaplain shall attend the commencement of each day's sitting of the House and open the same with prayer.

"Each day" as used in this rule means each legislative day. The first item under the daily order of business is prayer by the Chaplain (See Rule XXI), and it should not under any circumstances be displaced by any proposition whatever. In the Thirty-fifth Legislature by resolution the House ordered each day's prayer printed in the Journal.

RULE VII.

OF COMMITTEES.

Unless otherwise ordered by the House, the Speaker shall appoint the members of the following committees to consist of the number designated for each; and all proposed legislation shall be referred by the Speaker, subject to correction of such reference by a majority of the House, to the appropriate committee named in this rule.

1. The Committee on Rules, to consist of five members, and which shall have jurisdiction over the rules of the House, the joint rules, and all amendments proposed to either; and it shall be the special duty of the committee to assist in expediting the business of the House.

2. Appropriations, twenty-one members, with jurisdiction over all bills appropriating moneys from the general revenues of the State for maintenance of the State government, its departments and institutions.

3. Judiciary, twenty-one members, with jurisdiction over all matters of civil law, rights, duties, remedies and procedure not assigned to other committees, and with jurisdiction over all matters relating to civil procedure in the courts of the State.

4. Criminal Jurisprudence, twenty-one members, with jurisdiction over all matters of criminal law, and over all matters relative to criminal procedure in the courts of the State.

5. Revenue and Taxation, twenty-one members, with jurisdiction over bills to raise revenue, levying taxes or regulating the manner of their collection.

6. State Affairs, twenty-one members, with jurisdiction over questions of State policy, the administration of the State government, the organization, regulation and management of State departments, and the compensation and duties of officers of the State government, except as may be specifically assigned to other committees; and with jurisdiction over all matters relating to the funding, refunding and payment of the public debt of the State.

7. Constitutional Amendments, twenty-one members, with jurisdiction over all measures proposing amendments to the State Constitution.

8. Education, twenty-one members, with jurisdiction over all matters relating to education and to the public schools and colleges of the State.

9. Public Lands and Buildings, twenty-one members, with jurisdiction over all matters relating to University lands, the public school and asylum lands of the State, and the organization and management of the General Land Office, and the compensation and duties of its employes; and the jurisdiction over all matters relating to the construction, maintenance and arrangement of State buildings, and the care and beautifying of the grounds, cemeteries and parks belonging to the State.

10. Penitentiaries, twenty-one members, with jurisdiction over all matters relating to the penal institutions of the State and to State and county convicts.

11. State Eleemosynary and Reformatory Institutions, twenty-one members, with jurisdiction over all measures concerning the asylums, reformatories and training schools, and other eleemosynary institutions of the State.

12. Military Affairs, eleven members, with jurisdiction over all matters relating to the State Volunteer Guard, State Rangers, and the Adjutant General's Department.

13. Public Health, twenty-one members, with jurisdiction over all matters relating to the protection of the public health, and Public Health Department of the State, to State and county quarantine, and to the practice of medicine, pharmacy and dentistry.

14. Public Printing, eleven members, with jurisdiction over all matters relating to printing for and stationery furnished to the State, its departments, and institutions.

15. Examination of Comptroller's and Treasurer's Accounts, eleven members, whose duty it shall be to examine the departments of the State Comptroller and State Treasurer, and to submit reports upon the condition of each to the Legislature.

16. Federal Relations, eleven members, with jurisdiction over all matters involving the relations between the State and Federal governments.

17. Privileges, Suffrage and Elections, twenty-one members, with jurisdiction over all questions affecting the privileges of the whole House and of the members, over contested elections to the House, and all measures relating to the right of suffrage, and to general, special and primary elections.

18. Contingent Expenses, five members, with full control over the expenditures of the House out of the contingent fund; and it is expressly provided that no claim or bills against the House shall be paid out of the contingent fund, unless the same shall have been previously authorized, and a bill therefor subsequently approved by the Committee on Contingent Expenses, or unless otherwise provided by a vote of the House. The Committee on Contingent Expenses shall have assigned to it a committee clerk who is a bookkeeper and a stenographer, and who shall, under the direction of the committee, keep an itemized account of all the supplies and merchandise of whatsoever kind or description, or other expenditures authorized by the committee, from whom ordered, and the price paid therefor. This statement shall at all times be open to the inspection of any member of the House, and the minutes of the meeting shall be kept in a well-bound book, and at the close of the session of the Legislature shall be delivered by the chairman of the Committee on Contingent Expenses to the Secretary of State, with the request that it be preserved in the archives of his office.

19. Enrolled Bills, five members, whose duty it shall be to examine all bills and resolutions enrolled in the House, and, when properly enrolled, to report thereon, and attend to the signing of the bills or resolutions by the proper officers of the Legislature, and then their delivery to the Governor. It shall also be their duty to examine and enroll bills and resolutions from the Senate, and verify the insertion therein of House amendments, if any, and report thereon.

20. Engrossed Bills, five members, whose duty it shall be to examine all bills and resolutions engrossed in the House and verify the insertion of amendments, if any, and when properly engrossed, to report thereon.

21. Judicial Districts, eleven members, with jurisdiction over all bills creating, changing or otherwise affecting judicial districts of the State.

22. Counties, eleven members, with jurisdiction over all matters relating to counties, their creation, organization, boundaries, government and finances, and the compensation and duties of their officers.

23. Roads, Bridges and Ferries, twenty-one members, with jurisdiction over all matters relating to the creation of county road systems, the establishment and maintenance of roads, bridges and ferries, the payment therefor, and the appointment, compensation, powers and duties of officers, employees and workmen in connection therewith.

24. Municipal and Private Corporations, twenty-one members, with jurisdiction over all matters relating to municipalities and town corporations, their government, finances and officers; and over all matters relating to the organization, corporation, management and regulation of private corporations, except as may be specially assigned to other committees.

25. Common Carriers, twenty-one members, with jurisdiction over all matters relating to railroads, street and inter-urban railway lines, steamship companies, express companies, telegraph and telephone companies and to the Railroad Commission.

26. Insurance, twenty-one members, with jurisdiction over all matters relating to life and fire insurance, fidelity, casualty, and guaranty and surety companies, including their organization, incorporation, management, powers and regulations, and to all and of all fraternal insurance organizations.

27. Agriculture, twenty-one members, with jurisdiction over all matters relating to agriculture, horticulture and farm husbandry.

28. Live Stock and Stock Raising, twenty-one members, with jurisdiction over all matters relating to the live stock industry.

29. Commerce and Manufactures, eleven members, with jurisdiction over all matters relating to commerce, trade and manufactures.

30. Oil, Gas and Mining, twenty-one members, with jurisdiction over all matters relating to oil and gas development, and to mining, and to the development of the mineral deposits of the State.

31. Conservation and Reclamation, twenty-one members, with jurisdiction over all matters relating to the conservation of the natural resources of the State, to the taking, storing, control and use of flood and surplus waters for irrigation, the improvements of rivers, harbors and flooded districts, the incorporation, management, and powers of irrigation companies and the drainage of lands; and to the development and preservation of forests, and the regulation and promotion of the lumber industry.

32. Game and Fisheries, twenty-one members, with jurisdiction over all matters relating to the propagation and preservation of game and fish within the State, and to the development and regulation of the fish and oyster industries on the coast and inland waters of the State.

33. Labor, twenty-one members, with jurisdiction over all matters relating to the welfare and improvement of the condition of all classes of wage earners.

34. Banks and Banking, twenty-one members, with jurisdiction over all matters relating to banking, State Department of Banking and the State banking system.

35. Liquor Traffic, twenty-one members, with jurisdiction over all matters relating to the regulation of the sale of intoxicating liquors and to local option.

36. Committee on Claims and Accounts, nine members, with exclusive jurisdiction over all claims and accounts which may be filed with the Legislature against the State.

37. Congressional Districts, twenty-one members, with jurisdiction over all matters relating to the reapportionment or redistricting of counties into congressional districts.

38. Senatorial Districts, twenty-one members, with jurisdiction over the reapportionment of the various counties into senatorial districts.

39. Representative Districts, twenty-one members, with jurisdiction over all matters relating to the reapportionment of the State into representative districts.

No addition shall be made to the membership of any committee after it has been formed as herein provided, except upon motion of the chairman of the committee, concurred in by the Speaker and approved by a majority of the House.

The Speaker appoints all select and conference committees which the House may order from time to time.

RULE VIII.

ORGANIZATION, POWERS AND DUTIES OF COMMITTEES.

1. As soon as practicable after their appointment, it shall be the duty of the chairman or the chairman pro tem. (to-wit, the first named member after the chairman) of the different committees to notify the Speaker, in writing, of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted in a conspicuous place in the Hall as soon as practicable.

As a matter of fact, few committee meetings have been held on any regular schedule; most of them are had on the call of the chairman and the announcement of the time and place thereof under his direction by the Reading Clerk, and posted on blackboard in the Hall.

2. If, after due notification, the members of any committee fail to meet at the time and place designated, and it shall be evidenced that such absentees are wilfully absent for the purpose of impeding the action of the committee, the chairman shall report such matter to the House; and such committeemen shall be subject to reprimand, or removal from such committee, as a majority of the members present shall decide.

3. No committees shall sit during the time the House is in session without special leave first being granted.

4. A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum in committee assembled. All committee reports shall be in writing, they must be signed by the chairman or the chairman pro tem. and addressed to the Speaker and may contain a brief statement of the recommendations of the committee with reference to the measure reported. A complete list of reports,

favorable or adverse, made by the committee shall be printed in the Journal.

Reports of a minority of a committee are permitted under the practice of the House. The Calendar Clerk is instructed to hold a bill two days if necessary, awaiting the filing of a minority report, but during the last fifteen days of a session he can hold it only twenty-four hours. If the majority report is favorable he is instructed to send the bill to the printer after holding it the required time for the filing of a minority report. If the majority report is not favorable and the minority report is not filed in the prescribed time the Calendar Clerk files the bill away as dead. If the minority favorable report is filed in time the Calendar Clerk holds the bill in his desk indefinitely awaiting a motion to print. This motion to print, if carried, places the bill on the regular calendar just as if it had been reported favorably.

5. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committees in the order in which they were referred and shall be reported back to the House within six days from the date of their respective reference. If any committee shall fail or refuse to report the bill, resolution or other paper referred to it within six days, a motion shall be in order to give the committee additional time, which motion must receive a two-thirds vote of the House before it shall be carried. If a bill is not reported, and the time is not granted as herein set forth, the Speaker shall instruct the committee that the House desires an immediate report upon the bill or measure pending, and it shall be the duty of the committee to immediately consider and report the bill back to the House. Provided, that no adverse report shall be made on any bill or resolution by any committee without first giving the author of said bill or resolution an opportunity to be heard.

Committees should report all bills back to the House in the time allowed under the rules or should ask for an extension of time. Members should see that the committees having their bills under consideration report them back within six days. Any delay in reporting a bill after the time limit is up should be investigated because the life of a bill is endangered when it does not take its rightful place on the calendar.

6. The reports of standing and select committees shall be filed with the Chief Clerk and printed in the Journal.

Standing committee reports are always made in duplicate; one report is for publication in the Journal; the other accompanies the original bill. Special or select committee reports are usually submitted by the chairman of the committees from the floor and are printed in the Journal.

Special or select committee reports are usually held to be privileged matter.

7. It shall be the duty of the chairmen of the several committees to see that the originals of all bills, resolutions, memorials and such other documents referred to them are returned to the House, with the final report upon the matter to which they pertain.

8. The Committee on Engrossed Bills, in addition to their duties as such, are also the Committee on Style; and it shall be their duty to see that all bills passed by the House are correct in style, orthography, punctuation and in whatever else it is within the province of the committee to correct.

9. It shall be in order for the Committee on Engrossed Bills, Enrolled Bills and the Committee on Rules to report at any time.

10. Reports of committees are advisory only. When the report is made, the proposition, bill or resolution recommended or reported back shall be before the House for its consideration without action upon the report.

Reports of investigating committees and of certain other select committees very often do not make any recommendation on any particular bill or resolution, and when such is the case, action recurs directly on the report itself after it has been read to the House.

11. No floor report shall be made by any committee except on road bills and school district bills; provided, however, that if any citizens of those districts desire to be heard before the committee, and the bill is brought out on a floor report, it shall be recommitted by order of the Speaker upon receiving proper notification in writing of their desire to be heard by any citizens of the district affected.

12. The rules governing the proceedings of the House shall apply to the proceedings in the committee in so far as same are applicable.

Section 12 of Rule VIII was added by the Thirty-fourth Legislature. Its most far-reaching effect lies in the fact that a motion to table and a motion for the previous question, heretofore not allowed in committees, can now be made for the purpose of cutting off discussion on measures being considered in committees.

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be: First, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings; second, the rights, reputation and conduct of members individually in their representative capacity only, and shall have precedence of all other questions, except motions to adjourn. When in order, a member may address himself to a question of privilege from his seat; or at any time he may print it in the Journal, provided it contains no reflection upon any member of the House.

This is an exact copy of Rule IX of the National House of Representatives, which is fully annotated in the Congressional House Manual and Digest.

Of late members have taken unfair advantage of their right to speak to a point of personal privilege, and have discussed matters which were clearly not matters "affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings," or of "the rights, reputation and conduct of members individually or in their representative capacity only." This practice is an open violation of the rules and should not be permitted.

RULE X.

DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

There is no appeal from the Speaker's recognition; but he is governed by rules and usage in priority of entertaining motions from the floor; and for this reason he may ask, when a member seeks recognition, "For what purpose does the gentleman rise?" or "For what purpose does the gentleman from ——— seek recognition?"

When a certain bill is before the House, he must first recognize, for motions for its disposition, the member who represents the committee or the person who has charge of the bill. Usually the chairman of the committee has charge of the bill, unless he yields to the author or the chairman is opposed to the bill, and he is entitled at all stages to prior recognition for motions that are in order which are intended to expedite the passage of the bill. Where a proposition is brought directly before the House, the mover is entitled to prior recognition for motions and debate.

It is not in order for any member, by offering a debatable motion of higher privilege than the pending motion to take a member off

the floor, but when the mover of the pending motion has yielded the floor a motion of a higher privilege may be made. The fact that a member has the floor on one matter does not entitle him to prior recognition. When an essential motion made by a member in charge of the bill is defeated, his prior right to recognition passes to the member leading the opposition to the motion. But the mere defeat of an amendment proposed by the member in charge does not cause recognition to pass to the opponent.

In recognition for general debate, the Speaker's rule is to alternate between those favoring and those opposing a measure.

It is a general parliamentary rule that there must be something before the House before a member may proceed in debate, and this something must be a definite debatable proposition, and may be required to be in writing. A withdrawal of the proposition prohibits further debate on the same. But sometimes, when a report, or a message from the Governor, for instance, has been before the House, it has been debated upon before any specific motion was made in relation thereto. Before debate begins, the motion or proposition must be stated by the Speaker or read by the Clerk.

A member who desires to speak should address the Chair, and, having obtained recognition, may proceed if he does so in an orderly and parliamentary way—i. e., avoiding personalities—until he consumes his time, which, under the rules, is ten minutes, which may be extended by motion another ten minutes, and after that he can speak only by unanimous consent, unless he is the mover of a proposition or has the bill or measure under consideration in charge. Then, on a motion to table the proposition or under the previous question, he has twenty minutes in which to discuss the proposition. The time limit of ten minutes does not apply to appropriations. According to the rules, a member may speak fifteen minutes only on appropriations.

The rule which should be adhered to is that, when speaking, a member must confine himself to the subject under debate. In discussing an amendment, the debate must be confined to the amendment and not include the general merits of the bill or other proposition unless it be an amendment to strike out the enacting clause.

2. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

3. The mover of any proposition, or the member reporting any measure from a committee, as the case may be, or, in case of the absence of either of them, then any other member designated by such absentee, shall have the right of opening and closing debate thereon, and for this purpose may speak each time not to exceed twenty minutes.

By the mover of a proposition is meant the mover of the original proposition before the House for consideration. In case of a bill being considered, the member having the bill in charge is the mover of the proposition.

Since an amendment to strike out the enacting clause of a bill if

adopted has the effect of killing the bill, it opens for debate the merits of the whole bill; and if the previous question is ordered on the amendment to strike out the enacting clause alone, or on both the amendment and the bill, the author of the bill will have the right to be recognized to speak to the merits of the bill, after which the member offering the amendment striking out the enacting clause shall have the right to close the debate before the vote is taken on the first question to be voted on under the previous question. All members having the right to speak after the previous question has been ordered should speak before the question is put on the first proposition covered by the previous question. All votes should then be taken in their correct order, and no vote or votes should be deferred to allow any member to close on any one of the propositions separately after the voting has commenced.

A member having the floor may not be taken off his feet by an ordinary motion, even the highly privileged motion to adjourn, unless he shall yield for that purpose. It is the custom of the Speaker to request a member to yield for a message. A member may yield the floor for a motion to adjourn without losing his right to continue when the subject is again continued. A member may also resume his seat while a paper is being read in his time without losing his right to the floor. A member who, having the floor, moved the previous question, was permitted to resume the floor on withdrawing the motion. But a member may not yield to another member to offer an amendment without losing the floor. A member desiring to interrupt another member in debate should address the Chair for permission of the member speaking, but the latter may exercise his own discretion as to whether or not he will yield.

The House of late has drifted into a very bad practice of permitting a member who has the right under the rules to close the debate on the main question or any phase of the pending question, to yield his time to as many members as he pleases in the allotted time. This practice is not in accord with the spirit of the rules and should not be tolerated. The above rule is as clear as it can be, and a strict adherence to it will tend toward a greater dispatch of business.

4. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken; nor shall any member be permitted to consume the time of another member without the consent of the House.

5. If a pending question is not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

6. All speeches shall be limited to ten minutes in duration except as provided in Section 3 of this rule, and the Speaker shall call the members to order at the expiration of their time; provided, however, that in case the House by a vote extends the time of any member, such time shall not be

extended exceeding ten minutes additional without the unanimous consent of the House. Provided, this rule shall not apply to measures carrying an appropriation, in the discussion of which speeches shall be limited to fifteen minutes in duration except as provided in Section 3 of this rule.

7. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House, or such other punishment as the House may deem proper.

8. While the Speaker is putting a question or addressing the House, no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat or smoke upon the floor of the House.

9. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether or not said paper shall be read.

It is a practice long standing in the House that any member is recognized as having a constitutional right to demand the full reading of any bill under consideration, except in case of a bill revising the statutes. (Art. III, Sec. 32, Const.) Such demand, however, should never be made for dilatory tactics.

RULE XI.

OF VOTING.

1. Any member who has a personal or private interest in any measure or bill proposed or pending before the House, shall disclose the fact, and shall not vote thereon.

This is a constitutional provision embodied in the Rules of the House, which each member is left to comply with according to his own judgment as to what constitutes a personal or private interest.

Verification of a yea and nay vote is not provided for by any rule and a member, as a matter of right, may not demand it. But when a vote is close it has been the practice in the National Congress and in the House for the Speaker to order it when requested by any member voting. During such verification no member can change his vote, neither may any member not having voted cast a vote. It would be a dangerous precedent to allow any change in the

vote after it had once been announced. And no change should ever be made except in the case of an erroneously recorded vote.

The verification should be called for immediately after the vote is announced, and the Speaker should not entertain a request for a verification after the House has proceeded to the next question or after a recess or an adjournment.

2. No member shall be permitted to vote in any case, whether upon division or roll call, when he was not within the bar of the House when the question was put; and if his vote be challenged on that ground, or if he ask leave to vote, the Speaker shall ask him whether he was within the bar of the House when the question was put; and if he answer in the affirmative, he shall be permitted to vote.

The constitutionality of a rule denying a member the right to vote at any time before a result is announced is very doubtful; so much so that this rule has never been strictly enforced in the House.

3. In order to be entitled to vote, and to be within the bar of the House, a member must be on the floor of the Hall and within the walls enclosing the same, and not outside of any of the doors leading out of the Hall, and he must vote from his seat.

4. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him; and any member who is present and shall fail or refuse to vote, after being requested to do so by the Speaker, shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

5. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Clerk, under order of the House, shall have commenced calling the yeas and nays.

Immediately following the roll call on the question on which he desires to explain his vote, a member may submit his reason for a vote to the Journal Clerk to be printed in the Journal.

6. The yeas and nays of the members of the House on any question shall, at the desire of any three members present, be called and entered in the Journal.

This is a constitutional provision (Art. III, Sec. 12), by which the Speaker is bound to recognize the demand of any three members of the House for a roll call on any question to be voted on by the House.

7. While the yeas and nays are being called, or votes are being counted, no member shall visit the Clerk's table or leave his seat.

8. On demand of any member, before the question is put, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains.

PRACTICE IN THE HOUSE OF REPRESENTATIVES IN CONGRESS AS TO DIVISION OF THE QUESTION.—After the question has been put, it may not be divided, nor after the yeas and nays have been ordered. But it may be demanded after the previous question has been ordered.

It is not in order to demand a division of a related subject; as, when a resolution to adopt a series of rules not made a part of the resolution was before the House, it was held not in order to demand a separate vote on each rule.

In voting on the engrossment or passage of a bill or joint resolution a separate vote on the various portions may not be demanded, or on the preamble of a bill; but on a series of simple resolutions a division may be demanded. When a motion is made to lay several connected propositions on the table, a division is not in order. On a decision of the Speaker involving two distinct questions there may be a division on appeal.

9. All pairs must be announced when the roll is called, and a written statement thereof sent to the Clerk. Such pairs shall be entered on the Journal, and the member present shall be counted to make a quorum.

"Clerk" in this section has reference only to the Journal Clerk.

RULE XII.

OF MOTIONS.

1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and shall be entered on the Journal, with the name of the member making it, unless it is withdrawn the same day.

After any action is had on a motion entertained by the Speaker it may not be withdrawn if there is any objection offered to the withdrawal of it.

2. When a motion has been made, the Speaker shall state it, or (if it be in writing), cause it to be read aloud by the Clerk before being debated; and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When a question is under debate no motion shall be received but—

- (1) To fix the day to which the House shall adjourn.
- (2) To adjourn.
- (3) To take recess.
- (4) To lay on the table.
- (5) For the previous question.
- (6) To postpone to a day certain.
- (7) To commit.
- (8) To amend.
- (9) To postpone indefinitely.

Which said motions shall have precedence in the above order. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, be considered as equivalent to the rejection of the bill.

Under the practice of the House of Representatives, Thirty-sixth Legislature, Regular Session, one legislative day's notice must be given before any bill, resolution, or other matter laid on the table subject to call can be called up and considered by the House, unless it be on the same day, in which case it can be called up at any time except when there is another matter pending before the House. This does not apply to Senate bill days, unless it be a Senate matter that is laid on the table subject to call.

Under the practice of the House, the motion to lay on the table subject to call is in order, although not specifically set forth in the rules.

A motion to refer is equivalent to a motion to commit, and a motion to refer to a standing committee has precedence of a motion to refer to a select committee.

There are several kinds of motions to amend which motions have precedence in the order named below:

1. Amendment to strike out the enacting clause of a bill.
2. (Committee) amendments offered from the floor to the body of the bill.
3. Other amendments offered from the floor to the body of the bill.
4. Amendments to the caption of the bill.

If a bill is considered section by section, an amendment is not in order except to the section under consideration. After all of the sections have been considered separately, the whole bill is open for amendment.

4. A motion to adjourn, except as hereinafter provided in Rule XIII, Section 6, and a motion to fix the day to which the House shall adjourn, shall always be in order.

A motion to adjourn is not in order under three circumstances: first, when a member entitled to the floor is addressing the House, without his consent to yield for the purpose; second, when the main question on a pending question or questions has been ordered and there has been no roll call to show that a quorum of the House is

not present; third, when, a quorum being present, no business has been transacted since a motion to adjourn has been lost. The calling of a roll, the reception of a message from the Senate or the address of a member of the House has been held to be the transaction of business.

It is the invariable custom of the House when several motions to recess or adjourn shall have been made at the same period, to put the motion carrying the longest time first, and in that order until one is adopted, or all have been voted on.

5. When motions are made for the reference of a subject to a select or standing committee, the question for the reference to a standing committee shall be put first.

6. No motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition.

7. The motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution, amendment or other immediate proposition tabled. It shall not be debatable, but the mover of the proposition proposed to be tabled, or the member reporting it from a committee, shall be allowed to close the debate thereon after the motion to table is made and before it is put. The vote by which the motion to table is carried or lost cannot be reconsidered.

The motion to lay on the table is used in the House as a final, adverse disposition of a matter without debate. It may not be amended or applied to the motions for the previous question, to suspend the rules, or to any motion relating to the order of business, except the motion to discharge a committee. The general trend of rulings in Congress indicate that the secondary or privileged motions for the disposal of a matter should not be laid on the table. The motion to table may be repeated after intervening business, but the "intervening business" must be such as to carry the question to a new stage in order to permit a repetition of the motion.

8. A bill or proposition postponed to a day certain shall be laid before the House at the time to which it was postponed, unless other business be then pending; in which case its consideration shall be deferred until the pending business is disposed of, without other prejudice to its right of priority.

The motion to postpone indefinitely opens to debate all the merits of the proposition to which it is applied. It may not be applied to the motion to refer, or to suspend the rules, and it is reasonable to infer that it is equally inapplicable to the other secondary or privileged motions enumerated in the rule, and to motions relating to the order of business. The effect of the motion to postpone indefinitely is to dispose of the proposition postponed for the remainder of the session.

9. The following motions shall be decided without debate:

- (1) To adjourn.
- (2) To fix the day to which the House shall adjourn.
- (3) To lay on the table.
- (4) That a proposition lie upon the table subject to call.
- (5) For the previous question.
- (6) To suspend the regular order of business and take up some measure out of its regular order.
- (7) To suspend the constitutional rule requiring bill to be read on three several days.

The motion to reconsider is debatable except when the vote proposed to be reconsidered is on a proposition that is not debatable.

DILATORY MOTIONS.—The rules of the House of Representatives in Congress provide that “no dilatory motion shall be entertained by the Speaker.” Under this rule the Speaker has declined to entertain debate on appeal or on a question as to the dilatoriness of a motion, as to do so would be to nullify the rule; but he has recognized that the authority conferred by the rule should not be exercised until the object of the dilatory motion becomes apparent to the House. Usually, but not always, the Speaker awaits a point of order from the floor of the House before acting. The rule has been applied to motions to adjourn and to reconsider. The point of “no quorum” has been ruled out; but the constitutional right of three members to demand the yeas and nays may not be overruled.

An appeal may not be entertained on a decision as to a dilatory motion.

RULE XIII.

OF THE PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the Chair in this manner: “The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say ‘yea,’” and then, “As many as are opposed say ‘nay.’” If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

After the previous question has been ordered, no motion is in order until the question or questions on which it is ordered have been voted upon, except the motion for a call of the House and the motion to reconsider the vote by which the previous question was ordered and this motion to reconsider can be made only once, and that must be before any vote under the previous question has been taken. The motion to adjourn is in order after the previous question has been ordered and before the vote is taken on the pending

question or questions if a roll call develops the fact that there is not a quorum of the House present. (Leg. Man., 33d Leg., pp. 662-664.)

2. The previous question may be asked and ordered upon any debatable single motion, or series of motions, allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day certain, or indefinitely, or to commit, and can not be laid upon the table.

3. On the motion for the previous question there shall be no debate; and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition or any of the pending amendments, or the member making the report from the committee, as the case may be, or, in the case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

5. When the previous question is ordered upon a motion to postpone indefinitely, or to amend by striking out the enacting clause of a bill, the mover of a proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order, after the previous question is seconded, until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the House may be moved after the previous question has been ordered.

PURPOSE OF THE MOTION FOR THE PREVIOUS QUESTION.—In the House of Representatives in Congress, the motion for the previous question is the only motion used in the House itself for closing

debate. The motion may not include a provision that it shall take effect at a certain time. It may not be moved on more than one bill, except by the unanimous consent of the House. It is often ordered on undebatable propositions to prevent amendment, but may not be moved on a motion that is both undebatable and unamendable; for example, the motion to table. It applies to questions of privilege as to other questions; also, to appeals.

The motion to lay on the table may not be applied to the previous question; nor may it be applied to the main question after the previous question has been ordered, or after the yeas and nays have been ordered on the demand for the previous question.

The motion to postpone may not be applied to the main question after the previous question has been ordered. (Leg. Man., 33d Leg., pp. 662-664.)

RULE XIV.

OF RECONSIDERATION.

1. When a motion has been made and carried, or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up.

The "order of the day" referred to in the above rule would certainly mean the order of disposing of the business on the Speaker's table and not the daily order of business as set forth in Rule XXI, of which "prayer by the Chaplain" is the first item.

Where the yeas and nays have not been ordered recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider; but a member who was absent or who was paired in favor of the majority contention, and did not vote, may not make the motion.

While the motion to reconsider has high privilege for entry, it may not be considered while another question is before the House. When it relates to a bill belonging to a particular class of business, consideration of the motion is in order only when that class of business is in order.

When a motion is made to reconsider the vote on a bill which has gone to the Senate, a motion to recall the bill is privileged.

The motion to reconsider is adopted by a majority vote, even when the vote reconsidered requires two-thirds for affirmative action.

The vote by which the previous question was ordered can only be reconsidered one time and, as previously stated, the motion to reconsider cannot be applied to a vote by which the previous question was ordered after the previous question has been partially executed.

A motion to reconsider cannot be applied to a negative vote on adjournment, for recess, or suspension of the rules.

A motion to reconsider having prevailed and the vote again taken on the proposition, another motion to reconsider is not in order unless the nature of the proposition has been changed by amendments.

The effect of a motion to reconsider is to suspend the original proposition, or in other words, to hold the matter in abeyance pending the further pleasure of the House. However, should the Legislature adjourn finally, leaving undisposed of a motion to reconsider, and the bill, by oversight, should be enrolled, properly signed by the presiding officers of the two houses and approved by the Governor, it would undoubtedly become a law, although a motion to reconsider the vote by which it was finally passed remained undisposed of.

When a motion to reconsider is carried, the question immediately recurs on the proposition reconsidered, and when a vote adopting an amendment is reconsidered the amendment simply becomes the pending amendment.

A motion to reconsider is debatable unless the proposition upon which the motion to reconsider is made is not debatable.

Although a bill may have gone to the other house or to the Governor, or the House has informed the Senate that it has agreed to Senate amendments to a House bill, the motion to reconsider may be made if made within the time prescribed by the rules. In such cases the procedure is to advise the Senate or the Governor, as the case may be, that a motion is pending to reconsider and a request is made that the bill be returned for further consideration.

2. If such motion for a reconsideration be not disposed of when made, it shall be spread upon the Journal, and can not, after that legislative day, be called up and disposed of unless one day's notice shall be given. But all such motions made during the last three days of the session shall be disposed of when made.

Mr. Bagby called up the motion to reconsider the vote by which the House refused to pass House Joint Resolution No. 15, which motion to reconsider was on March 6 duly spread on the Journal, due notice having been given.

Mr. Burmeister raised a point of order on consideration of the motion to reconsider at this time, on the ground that the regular order of business must first be suspended before the motion could be considered by the House. Overruled.

The Speaker then ruled that under the joint rules of the House and Senate, this being Senate bill day, it would not be in order for the House to consider the resolution at this time without the consent of the Senate. (34th Leg., p. 1108.)

Mr. Burmeister called up the motion to reconsider the vote by which the House on March 6 refused to pass House Joint Resolution No. 15, the motion to reconsider having been duly made on that day to spread on the Journal.

Mr. Bagby raised a point of order on consideration of the motion to reconsider at this time, on the ground that one day's notice had not been given that the motion would be called up, as required by the rules. Sustained. (34th Leg., p. 1044.)

Mr. Burmeister appealed from the ruling of the Chair. Appeal was seconded. Mr. Rowell called to the chair. Mr. Burmeister then withdrew his appeal, indicating by this action that in his opinion the Speaker's ruling was correct. Mr. Burmeister then moved to

suspend the rule of the House requiring one day's notice to be given, and that the motion to reconsider be taken up and considered at this time. The motion to suspend was lost by 72 yeas to 58 nays. It taking two-thirds vote to suspend any standing rule or order of the House. (See Rule XXII, Sec. 1.)

3. When a motion for reconsideration has once been made it can not be withdrawn, but may be called up by any member.

4. Unless sooner called up and disposed of, all motions for the reconsideration of votes upon amendments or other incidental matters shall be regarded as determined and lost upon the final vote upon the main question.

RECONSIDER AND TABLE.—In the practice of the House, the double motion to reconsider the vote on a proposition and table the motion to reconsider is of frequent occurrence. It is in effect two motions, one to reconsider the vote on a proposition and the other to lay the motion to reconsider on the table. The question is first on the motion to table. If that motion be lost, the question will then be on the motion to reconsider. The purpose of this double motion is to prevent a reconsideration of a matter the House has already decided by vote, for when a motion to reconsider is tabled another motion to reconsider would not be permitted under the rules.

The motion to rescind is not permitted under the rules.

RULE XV.

OF ROLL CALLS AND CALLS OF THE HOUSE.

Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

It shall be in order to move a call of the House at any time to secure and maintain a quorum for the following purposes:

(a) For the consideration of a specific bill, resolution, or other measure.

When a call of the House is moved for one of the above purposes and seconded by fifteen members (of whom the Speaker may be one), the Doorkeeper shall close the main entrance of the Hall, and all other doors leading out of the Hall shall be locked and no member be permitted to leave the House without written permission of the Speaker, until after the subject matter upon which the call was ordered has been disposed of. The Clerk shall call the roll of members and note the absentees and those for whom no sufficient

excuse is made may, by order of the majority of those present, be sent for and arrested, wherever they may be found by the Sergeant-at-Arms, or officer appointed by him for that purpose, and their attendance secured and retained, and the House shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

When a quorum is shown to be present, the House may proceed with the matters on which the call was ordered, or may enforce and await the attendance of the absentees.

(b) For a definite period of time or for the consideration of any particular class of bills.

A call of the House for one of these purposes shall be ordered only by a majority vote of those present, and when ordered, the same procedure shall be followed as set forth above for securing and maintaining a quorum.

RULE XVI.

OF SIMPLE AND CONCURRENT RESOLUTIONS.

1. When resolutions are called for the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from.....offers the following resolution. The resolution will be read." As soon as the Clerk shall have read the same the Speaker shall say: "What order will the House take on the resolution?" If the second reading of the resolution is called for, the Speaker shall say: "Second reading of the resolution is called for. If there be no objection, the resolution will be read a second time." If objection be made to the second reading, it shall be in order for any member to move for the second reading and if the motion be carried, the resolution shall be read again and it will then be before the House for amendment, adoption or rejection, or other action. If the second reading is not moved, the resolution shall lie over until the following day, when it will come up as business on the Speaker's table.

A resolution that goes over to the next legislative day as unfinished business shall be considered until finally disposed of when it is again laid before the House for consideration. The

twenty-minute rule does not apply to resolutions that are before the House as unfinished business.

2. Concurrent resolutions shall take the same course as simple resolutions, and shall be numbered in regular order.

3. Resolutions may be filed with the Chief Clerk after the opening of the session of the House and when resolutions are called for, all resolutions so filed shall be taken up in the order filed and disposed of before the Speaker shall permit members to offer resolutions from the floor of the House.

RULE XVII.

JOINT RESOLUTIONS.

All amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be adopted on any reading after the first when it receives a two-thirds vote of the members-elect of the House. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions thereto short of the final question.

A ruling of the Attorney General is to the effect that an appropriation cannot be made by joint resolution unless it takes the regular course of a bill and commences with the enacting clause prescribed in the Constitution for bills.

The constitutional reason for this ruling is that the Constitution requires all appropriations to be made by law, and prescribes that no law shall be enacted except by bill, which must begin with the enacting clause "Be it enacted by the Legislature of the State of Texas." (Vol. 31, Opinions of Attorney General.)

This opinion reinforces the proposition that joint resolutions are only a special kind of bills.

RULE XVIII.

OF BILLS.

1. Proposed laws or changes in laws must be incorporated in bills, which shall consist of a title or caption, beginning with the words, "A bill to be entitled An Act to," and containing a brief statement of the object of the proposed measure, and of the bill proper beginning with the enacting clause, "Be it enacted by the Legislature of the State of Texas," and stating at large the measure proposed; and if the bill pro-

poses to amend an existing law, it shall be accompanied by a brief statement of the proposed change in the existing law. (Const., Art. III, Sec. 29.)

An extra copy of the text of the caption of every bill shall accompany the bill when it is filed with the Chief Clerk or introduced from the floor of the House, and no bill shall be laid before the House to be read the first time unless it is accompanied with an extra copy of the caption.

2. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. (Const., Art. III, Sec. 35.)

3. No law shall be reviewed or amended by reference to its title, but in such case the Act revived or the section or sections amended shall be re-enacted and published at length. (Const., Art. III, Sec. 36.)

4. Bills shall be introduced in the same manner as resolutions, and with the same order of precedence. Each bill shall be numbered in its regular order; and when bills are called for by the Speaker, first those filed with the Chief Clerk and then those introduced from the floor shall be read first time by caption and referred to the proper committee.

5. No bill shall be considered or tabled, unless it has been first referred to a committee, and reported therefrom; and no House bill, except appropriation bills, shall be passed, which has been presented, referred to and reported from a committee at least one hundred and twenty hours (five full calendar days), next before the final adjournment of the Regular Session of the Legislature; or if in Special or Called Session, then within ninety-six hours next before the final adjournment of such session.

When a bill has been committed once at any reading and has been reported adversely by the committee to which it was referred, it shall not be in order to again recommit the bill unless a minority report shall have been filed in the time required by the Rules of the House, and then only by a two-thirds vote of those present.

No House bill, except appropriation bills, on its second reading, shall be considered for any purpose during the last seventy-two hours before the final adjournment of the Legislature.

No Senate bill on its second reading shall be considered during the last seventy-two hours of the Regular Session of the Legislature, or during the last seventy-two hours of any Special or Called Session.

The Speaker shall not be authorized to recognize, or shall he recognize anyone, to take a bill up out of its regular order, within forty-eight hours next preceding final adjournment; nor shall he lay any bill before the House for a vote upon any passage during the last twenty-four hours next preceding the final adjournment of the Legislature and during said last twenty-four hours, no vote shall be taken upon any bill except to correct an error therein, or to adopt a conference report.

6. All bills before the House on their third and second readings, respectively, shall be taken up and acted upon in the order in which they are numbered; provided, that Tuesday of each week shall be devoted to the consideration of House bills on their third readings until disposed of.

But when any House bills shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill.

On Wednesday and Thursday of each week only Senate bills, on their third and second readings, respectively, shall be taken up and considered until disposed of; and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday), as the unfinished business.

The rules of the House (Rule XXII) provide that no bills except Senate bills may be considered on Senate bill days, except by unanimous consent. The joint rules (Joint Rule XXIII) provide that no other business may be considered on these days without the consent of the Senate.

Local bills shall only be in order after 4:30 p. m. each Wednesday and each Thursday; provided, that it shall not be in order to suspend the constitutional rule requiring bills to be read on three several days in the consideration of any local bill. By local bill is meant any measure affecting only one county, city or representative district, other than the establishment of new courts.

The following memoranda may be helpful in determining if a bill is a local or a general bill:

Bills relating to the sale of public lands on islands not local.

An act to amend the general game and fish law not a local bill.

Bill to create a new county held not to be a local bill.

Bill creating a district court out of parts of two or more counties not local.

Fee bill applying to counties of more than 80,000 not local.

A bill to amend an act to apportion the State into congressional districts not a local bill.

Bills relating to judicial districts are general.

Bills reorganizing one or more judicial districts are general.

A bill for the purpose of reorganizing or creating a new judicial district is not a local bill unless it affects only a single representative district, and does not provide for an appropriation.

Bill having for its purpose the remission of taxes is a general bill.

Bills affecting county auditors law are not local bills.

By unanimous consent House may consider a general bill on local bill day.

7. All bills when reported favorably by a committee shall immediately be sent to the printer by the Calendar Clerk and a printed copy laid on the desk of each member before the bill is acted on by the House. In the event a notice of a minority report is given the Calendar Clerk is instructed to hold a bill two days if necessary, awaiting the filing of the minority report but during the last fifteen days of the session, he shall not hold a bill more than twenty-four hours awaiting a minority report. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

Bills reported favorably by a committee must be printed and copies thereof laid upon the desks of members before they may be acted on by the House. Or the House must order that they be not printed, in which case they may be acted on without being printed.

Bills reported adversely may not be considered by the House until they have by motion been ordered printed and copies thereof laid upon the desks of the members.

On motion, the House usually orders local bills not printed.

8. After a bill has been taken up and read, amendments thereto shall be in order, those recommended by the committee or its minority being first considered, if called up. If no amendment is made, or if those proposed are adopted, then the final question upon its second reading shall be, in the case of a House bill, whether it shall be engrossed, or, in the case of a Senate bill, whether it shall pass to its third reading; and all bills ordered engrossed or passed to a third reading shall go on the calendar in their regular course.

Under the practice of the House, a bill is read the first time by its title and referred to a committee. The second reading of a bill

occurs when it is taken up for consideration by the House, after it has been reported from a committee and has been printed and distributed among the members. A bill must be read the second time in full if demanded by any member. This reading cannot be dispensed with by a vote of the House if any member still demands it.

9. No bill shall have the force of law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in the preamble or in the body of the bill), four-fifths of the House may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journal. (Const., Art. III, Sec. 32.)

By four-fifths of the House is here meant four-fifths of the members of those voting, a quorum being present; provided, that within the meaning of this rule "an imperative public necessity" shall be held to mean only such condition or state of affairs which, if not immediately remedied, will cause great loss of life or of property; and the Speaker shall not entertain a motion to suspend the constitutional rule requiring bills to be read on three several days until it shall affirmatively appear that such a condition or state of affairs does actually exist.

SUSPENSION OF THE CONSTITUTIONAL RULE.—The rules of the House provide that the Speaker shall not entertain a motion to suspend the constitutional rule requiring bills to be read on three several days, unless it shall affirmatively appear that such a condition or state of affairs exists which if not immediately remedied will cause great loss of life or property. The purpose of this rule was not to prevent any bill which received a two-thirds vote on its final passage in both houses from taking immediate effect, but it was for the purpose of protecting the House against endless roll calls, which retard rather than expedite the business of the House. In the First Called Session of the Thirty-third Legislature an attempt was made to override this rule, on the ground that it was unconstitutional, but the House, upon the question being submitted to it, decided to stand by the rule. As this rule does not attempt to define what an "emergency" or "public necessity" is, except for the sole purpose of considering a bill, we cannot understand why it is contrary to the Constitution. As a matter of fact, there is no definition of what "an imperative public necessity" and "an emergency" is. It is left solely to the discretion of the Legislature or of each house. Even the limit is much narrower than this for a fraction more than one-fifth of the members present can prevent the suspension of the rule, if in their judgment the emergency does not exist. This, together with the fact that under the Constitution, the House has the authority to make its own rules of procedure and as this rule has to do solely and alone with the consid-

eration, we think the position that it is unconstitutional is not tenable. (Leg. Man., 33d Leg., p. 834.)

10. When a bill has been taken up on its third reading, amendments thereto shall be in order, but shall require a two-thirds vote of the members present for their adoption; or the bill may be committed and reported to the House with amendments, in which case it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill. After all amendments have been disposed of, the question shall be upon the final passage of the bill.

The third reading of a bill occurs when it is taken up for consideration by the House after it has been passed to engrossment, or, if a Senate bill, passed to a third reading; and this reading is usually by title only. In the House of Representatives in Congress, a vote on the passage has been reconsidered in order to remedy the omission to read a bill the third time. But, in case of imperative public necessity, where the House suspends the rule requiring bills to be read on three several days, the full reading of the engrossed copy of the bill may not be demanded. A bill or other proposition committed at a third reading and again reported from a committee, when again laid before the House for consideration, takes the course of a bill on a second reading, except those amendments and motions that would not have been in order when the question originally recurred on the engrossment of the bill or other proposition.

On page 73, Volume 8, Hind's Precedents, we have the following: "When a bill is recommitted to the committee which returned it, the whole question is before the committee anew as if it had not been before considered."

11. When a bill shall pass, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof, and the vote by which it passed, if by a yea and nay vote.

12. No law passed by the Legislature, except the general appropriation Act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the Journals. (Const., Art. III, Sec. 39.)

EMERGENCY CLAUSE.—Owing to the great amount of business which usually comes before the regular session of the Legislature, and the limited time of an ordinary session, if there is a public

necessity for the immediate enactment of a law and for its taking immediate effect, in the practice of the House, it is the custom to permit such a law to be passed under the emergency provisions of the Constitution and the Rules of the House. The imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and the emergency for its taking effect from and after its passage are usually stated in the last clause of the bill. This practice is necessary to the quick enactment of certain measures, but it should not be abused to the extent of putting an emergency clause on to a bill so as to put it into immediate effect when there is no real necessity for its becoming effective immediately.

13. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session. (Const., Art. III, Sec. 34.)

In the Twenty-sixth Legislature (Journal, p. 415) a point of order was made on consideration of a bill in the House because the Senate had considered and defeated a bill containing the same subject matter. The Speaker held the point of order not well taken. A point of order of this kind must be decided on the actual facts of the case; a bill might be similar, even containing apparently the same substance, and yet be so different as not to come within the rule. If the Senate has officially reported the defeat of a particular measure, a point of order on consideration of a similar measure in the House would stand or fall according to whether or not the presiding officer of the House thinks the measure being considered in the House contains the same substance as the measure defeated in the Senate.

14. No motion shall be in order to suspend the reading in full of a bill on second reading if demanded by any member.

CONSTITUTIONAL PROVISIONS IN THE RULES OF THE HOUSE.—Several provisions of the Constitution are embodied in the rules of the House, so that some of the rules of the House are also constitutional rules. Any rule that is merely a rule of the House may be suspended by a two-thirds vote, or as may be provided in the rules of the House; but when a rule of the House is a repetition of a constitutional provision, it is, of course, different; and a rule of this kind may not be suspended unless such suspension is specially provided for in the Constitution.

RULE XIX.**OF AMENDMENTS.**

1. When a bill, resolution, motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order; and it shall also be in order to offer a further amendment by the way of substitute.

Under this rule, according to the recent practice in the House, a substitute for either an amendment or an amendment to the amendment is in order; but an amendment to a substitute is not permitted.

2. A motion to strike out and insert new matter in lieu of that to be stricken out shall be regarded as a substitute and shall be indivisible.

3. Amendment to the caption of a bill or resolution shall not be in order until all other proposed amendments shall have been acted upon and the House be ready to vote upon the passing of the measure; and the same shall be decided without debate.

4. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate.

Section 4 of this rule is in part a repetition of the constitutional provision prohibiting the amendment of a bill to the extent of changing its original purpose. For a long list of precedents showing amendments that have been held germane and not germane, see Manual, 33d Legislature, pp. 548-593, and Vol. V, of Hinds' Precedents.

WITHDRAWAL OF AMENDMENTS.—The rule provides that the motion to amend may be withdrawn at any time before a decision or amendment.

PRECEDENCE OF THE MOTIONS TO AMEND.—Amendments reported by a committee are acted on before those offered from the floor, if called up. An amendment from the floor to a committee amendment is in order. The motion to strike out the enacting clause has precedence of the motion to amend, and may be offered while an amendment is pending. (See notes to Section 3 of Rule XII.)

IN ORDER WHEN?—See Rule 19, all Sections.—Many rulings in point can be found on pages 541 to 548 of Manual, 33d Legislature.

SENATE AMENDMENTS TO HOUSE BILLS.—Senate amendments to a House bill must be concurred in by two-thirds of the members-elect and the yeas and nays entered upon the Journal if the proposed law is to go into immediate effect. This is necessary for the reason that the Senate may substitute, by way of an amendment, an entirely new bill, provided the amendment does not change the original purpose of the bill, and it is certainly probable, if not very often the case, that the amended bill would not receive a

two-thirds vote, and should not go into immediate effect on the ground that the bill in its original form received the necessary vote. This should be a general rule and no exception should be made even for corrective amendments.

CONGRESSIONAL PRECEDENTS.

An amendment must be germane to the subject which is proposed to be amended.

The motions to postpone, refer, amend, for a recess, and to fix the day to which the House shall adjourn may be amended.

An amendment may not attach to the motion for the previous question or the motions to lay on the table and adjourn when used in the House.

A proposed amendment may not be accepted by the member in charge of the pending measure, but can be agreed to only by the House.

When it is proposed to perfect a paragraph, the motion to insert or strike out, if already pending, must remain in abeyance until the amendments to perfect have been moved and voted on.

It is not in order to offer more than one motion to amend at a time.

Under the later decisions, the principle has been established that an amendment should be germane to the particular paragraph or section to which it is offered.

An amendment inserting an additional section should be germane to the portion of the bill where it is offered.

An amendment germane to a bill as a whole, but hardly germane to any section, may be offered at an appropriate place with notice of motions to strike out following sections which it would supersede.

Both an original proposition and a proposed amendment in the nature of a substitute may be perfected by amendments before the vote is taken on the substitute.

An amendment in the nature of a substitute may be proposed before amendments to the original text have been acted on, but may not be voted on until after such amendments have been disposed of.

When a bill is considered by sections or paragraphs, an amendment in the nature of a substitute is properly offered after the several sections of the bill have been considered separately.

A motion to strike out certain words being disagreed to, it is in order to strike out a portion of those words.

To a motion to insert words in a bill a motion to strike out certain words of the bill may not be offered as a substitute.

If a portion of a proposed amendment be out of order, the whole of it must be ruled out.

A motion to strike out a paragraph pending, and the paragraph then being perfected by an amendment in the nature of a substitute, the motion to strike out necessarily fails.

When it is proposed to amend by inserting a paragraph, it should be perfected by amendment before the question is put on inserting.

When it is proposed to strike out a paragraph, it should be perfected by amendment before the question is put on striking out, although if the motion to strike out fails amendments may still be offered.

A negative vote on a motion to strike out and insert does not prevent the offering of another similar motion or a simple motion to strike out.

Words inserted by amendment may not afterwards be changed, except that portion of the original paragraph including the words so inserted, may be stricken out if, in effect, it presents a new proposition, and a new coherence may also be inserted in place of that stricken out.

It is in order to insert by way of amendment a paragraph similar (if not actually identical) to one already stricken out by amendment.

After a vote to insert a new section in a bill, it is too late to perfect the section by amendment.

It is not in order to amend an amendment that has been agreed to; but the amendment, with other words of the original paragraph, may be stricken out in order to insert a new text of a different meaning.

While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment.

The motion to strike out and insert may not be divided for the vote.

RULE XX.

OF COMMITTEES OF THE WHOLE HOUSE.

1. No appropriation of money shall be made except by bill; and when a bill appropriating money shall be reached or taken up, it shall be in order to move that the House resolve itself into the Committee of the Whole House for the purpose of considering such bill.

2. In forming a Committee of the Whole House the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

3. Upon bills committed to a Committee of the Whole House, the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a vote be taken on the question of engrossment.

4. All amendments made to an original motion in Committee of the Whole shall be incorporated with the motion and so reported.

5. In the event that the Committee of the Whole, at any sitting, shall, for want of time, fail to complete the amendments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the meantime, rise, report progress and ask leave to sit again generally, or at a day certain.

6. All amendments made to a report committed to the Committee of the Whole House shall be noted and reported, as in the case of bills.

7. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it was made or offered.

8. No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall first be discussed and voted in a Committee of the Whole House and so in respect to the time of its continuance.

9. All proceedings touching appropriations of money shall be discussed in the Committee of the Whole House.

10. The rules of proceedings in the House shall be observed in Committee of the Whole House so far as they may be applicable.

RULE XXI.

OF THE ORDER OF BUSINESS.

1. The daily order of business shall be as follows:

First—Prayer by the Chaplain.

Second—Excuses for absence of members and officers.

Third—First reading of bills filed with the Chief Clerk, and introduction of bills from the floor and their first reading, and reference of bills to committees.

Fourth—Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be made undebatable; but the mover may be allowed to state briefly the nature and purpose of the measure.

Fifth—Resolutions filed with the Chief Clerk, and resolutions offered from the floor, for twenty minutes, if not sooner disposed of.

Sixth—The unfinished business, to be considered until finally disposed of.

Seventh—Disposal of business on the Speaker's table as follows:

(1) Resolutions lying over from the previous day, and Senate concurrent resolutions.

(2) Reports of conference committees.

(3) Senate amendments to House bills and resolutions, requests of the Senate for a conference and all matters of disagreement, amendments and requests between the two houses.

(4) Reports of standing and special committees.

(5) Bills on their third reading.

(6) Bills on their second reading.

By the (daily) order of business is meant the seven main items contained in Section 1 of this rule. By the regular order, or the order of the day, as used in the rule relating to reconsideration, is meant the six divisions under the seventh main item of this section.

The rules expressly provide that a rule of the House or the daily order of business may be temporarily suspended for a definite purpose; but this provision is modified by the further provision that the regular order of business, that is, the regular order of disposing of the business on the Speaker's table, cannot be suspended except on Monday, at which time a majority vote only is necessary for such suspension.

For the information of the members the Speaker has distributed at the beginning of each legislative day a calendar showing the regular order of business, or so much thereof as can be printed on a single sheet of paper. This calendar is determined by the rules, and the Speaker has no control over it except on suspension days. He must place bills before the House in their regular order, and if at recess the next bill to be considered, as appears from the calendar, is House bill No. 29, and if by the time the House reconvenes House bill No. 7 has been received from the printer and has been distributed, it must be considered before House bill No. 29 is laid before the House, although House bill No. 29 may have been on the desks of the members for two weeks before House bill No. 7 was distributed.

On suspension days the Speaker can recognize the members to move a suspension of the rules in any order he pleases, but he usually recognizes them in the order in which they requested a suspension.

2. Special orders, after the first five items under the daily order of business have been passed, shall have precedence when the hour for considering the same has arrived, except as provided in Rule XVIII, Section 6, which provides that Senate bills, on Senate bill days, shall have precedence of House bills set as special order on those days.

Joint Rule No. XXIII provides that the House may not consider House bills on Senate bill days without the consent of the Senate unless there are no Senate bills on the Speaker's table.

3. All questions relating to the priority of business shall be decided by a majority, without debate.

RULE XXII.

SUSPENSION OF THE RULES AND ORDER OF BUSINESS AND SPECIAL ORDERS.

1. No standing rule or order of the House shall be suspended except by an affirmative vote of two-thirds of the members present; nor shall any other business be considered on days devoted by these rules to and used in consideration of Senate and local bills, except by unanimous consent.

Under the Joint Rules no House bill can be considered on days devoted to the consideration of Senate bills except with the consent of the Senate.

Most of the constitutional provisions that are embodied in the rules of the House are found in Rule XVIII, relating to the consideration of bills. Unlike the rules that are merely rules of the House, these constitutional provisions in the rules of the House cannot be suspended at all unless the Constitution itself specially provides for their suspension.

2. All Democratic platform demands shall have precedence in accordance with their number over all other bills on all days except suspension days, Senate bill days, and local bill afternoons; only demands which refer to certain and definite legislation shall be construed as platform demands; and where any plank or demand of the Democratic platform is in general terms, and does not specify the character of legislation demanded, no bill on any such subject shall be deemed a platform demand.

3. The Speaker shall not entertain a motion to suspend the order of business established by the rules for the purpose of taking up and considering any bill, resolution or other measure out of its regular order except on Monday of each week, and during the first four days of the last six days of the session; *provided, however, that in said last four suspension days it shall require a two-thirds vote to suspend the regular order and take up any measure.* When a request is made to suspend the order of business for taking up any certain bill, the Speaker shall ask if there is any objection. If there is no objection, the bill shall be immediately placed before the House for consideration. If there is objection,

the Speaker shall, without debate, after the caption of the bill has been read, put the motion to the House, and, if carried by a majority vote, the regular order of business shall be considered suspended for the purpose of taking up and considering said bill, resolution or other measure; provided, that no member shall be entitled to have more than one bill, resolution or other measure taken up out of its regular order until every other member has had an opportunity to call some bill or measure. Any measure so taken up under suspension and not disposed of on the same day shall go over as the unfinished business to the next sitting day of the House, and thereafter from day to day (except days devoted to and used in the consideration of Senate bills) until disposed of, but a motion to suspend left pending and undisposed of on one suspension day goes over to the next suspension day as the pending business of that day.

A suspension of the regular order is a suspension of the order for considering the business on the Speaker's table as prescribed in the seventh item of Section 1 of Rule XXI, and such a suspension is in order only on Monday and during the first four of the last six days of the session.

4. Any bill, resolution or other measure may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and, where once established as a special order, shall be considered from day to day until disposed of; and until it shall have been disposed of, no further special order shall be made.

Section 2 of Rule XXI provides that House bills set as special orders cannot be considered on Senate bill days. Joint Rule XXIII also provides that House bills cannot be considered by the House on Senate bill days without the consent of the Senate. For this reason a House bill pending as a special order on Senate bill days will not be considered on those days if there are any Senate bills on the calendar.

RULE XXIII.

OF COMMUNICATIONS FROM THE EXECUTIVE AND SENATE, CONFERENCE REPORTS, ETC.

1. Messages and communications from the Governor shall be received when announced, and shall be read on the date received.

2. All messages from the Senate shall be received when announced; Senate bills announced as passed shall be read the first time and referred to the proper committee on the day received.

3. Messages from the Senate announcing amendments to House bills and resolutions, non-concurrence in House amendments to Senate bills and resolutions, and requests for conferences, as also all reports of conference committees and all matters of disagreement, amendments and requests, between the two houses, shall go to the Speaker's table in their regular order, but they may be called up for action of the House at any time, except as against a motion to adjourn, or to fix the day to which the House shall adjourn.

RULE XXIV.

OF PETITIONS AND MEMORIALS.

All petitions and memorials shall be filed with the Chief Clerk and referred to committees in accordance with the endorsement of the member offering the same.

RULE XXV.

OF ABSENTEES.

1. No member shall absent himself from the sittings of the House without leave, unless in case of sickness. Should any member absent himself without leave for the purpose of impeding the action of the House, such member may be expelled; provided, that before action is taken hereunder the matter shall be referred to the Committee on Privileges, Suffrage and Elections for investigation and report. It shall require two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion.

2. The names of absentees shall appear upon the Journal.

Leaves of absence are granted members for a specified time or indefinitely, on account of sickness, important business, or important work for the House, such as committee work. The motion to excuse a member from attendance must state the time and reason of the absence.

Leaves of absence may be revoked at any time by a majority vote of the House.

RULE XXVI.

OF WITNESSES.

The rule for paying witnesses summoned to appear before the House, or any of its committees, shall be as follows: For each day a witness shall attend, the sum of \$2.00 and for coming to or going from the place of examination

he shall receive actual and necessary expenses, and \$2.00 for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for traveling home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

This rule was not adhered to in the Thirty-fifth Legislature (regular session), the resolution appointing the committee to investigate charges against the Governor fixed the rules the same as apply to district courts. \$1.00 per day and actual traveling expenses being paid witnesses, as in civil cases.

RULE XXVII.

OF ADMISSION TO THE HOUSE.

1. Persons hereinafter named, and none other, shall be admitted to the Hall of the House when the House is in session, viz: The members and employes of the House; Senators and employes of the Senate; the Governor and his private secretary; the Lieutenant Governor; the President and Vice-President of the United States; United States Senators and members of Congress; Governors of other States; judges of the Supreme Court and Courts of Criminal and Civil Appeals; the heads of all State departments, and contestants in election cases, pending their contests in the House.

2. Reporters of newspapers shall be assigned appropriate and convenient seats in the House by direction of the Speaker.

3. Provided, that no newspaper reporter, or any person whomsoever, whether a State officer or not, except the Governor, who is lobbying or working for or against any pending or prospective legislative measure, shall, in any event, be permitted upon the floor of the House, or the rooms leading thereto, when the House is in session; nor shall any newspaper reporter or correspondent, whose salary or compensation is paid in whole or in part by any person, firm, corporation or association other than the paper or papers for which he reports, or represents, be admitted into the Hall or rooms leading thereto when the House is in session. And any person who has appeared before any committee for or against any measure pending or that has been before this House shall come within this rule.

4. Every newspaper reporter and correspondent, before being admitted to the House during its session, shall file with the Speaker a written statement showing the paper or papers which he represents, and certifying that no part of his salary or compensation is paid by any person, firm, corporation or association except the paper or papers which he represents.

5. It shall not be in order for the Speaker to entertain a request, motion or resolution for the suspension of this rule, or to present from the chair the request of any member for unanimous consent.

The Speaker, under the provisions of this section, has repeatedly held resolutions to extend the privileges of the floor to former members of the Legislature and others out of order.

6. It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Hall of all persons not entitled to the privilege thereof five minutes before the hour of the meeting.

7. Provided, that this rule shall not be construed to prevent any citizen from appearing before any of the committees of the House when in session. And provided further, that this rule shall not apply during the inauguration of the Governor, and other public ceremonies provided for by resolution of the House. And it is further provided that no motion shall be in order to invite any person to address this House while it is in session, except those entitled to the privileges of the floor as defined by Section 1 of this rule.

8. Solicitors and collectors shall not be admitted to the House during its sessions.

RULE XXVIII.

AMENDMENTS TO THE RULES.

No standing rule or order of the House shall be rescinded or changed except by an affirmative vote of two-thirds of the members present. All propositions to rescind any rule or order shall be by resolution, to be at once referred, without debate, to the Committee on Rules, and reported therefrom within three days.

This rule relates only to proposed permanent changes in the rules and does not prevent a temporary suspension as provided for in Rule XXII.

The Committee on Rules are privileged to report a proposition referred to them at any time within three days.

It is proper for the Speaker to refer a proposed amendment to the rules to the Committee on Rules as soon as it is read and not wait for a motion to refer.. The rules require that all proposed changes in the rules be referred to the Committee on Rules.

RULE XXIX.

WHEN RULES ARE SILENT.

On any question of order or parliamentary practice where these rules are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practice of the United States House of Representatives shall be considered as authority.

The Digest of the Rules and Practice of Congress referred to in the above rule is Hinds' Precedents, to which the citations in the House Manual and Digest of the National Congress refer.

LEGISLATIVE AND CONGRESSIONAL PRECEDENTS.

ADJOURNMENT.

The universal practice is that the motion to adjourn shall not be repeated until "business has been transacted" between the two motions unless all motions were made before a vote was taken. The calling of the roll, the reception of a message from the Senate or the address of a member of the House has been held to be the transaction of business. Business must intervene before a motion can be made after one adjournment has failed.

Business must intervene between motions to adjourn.

A motion to adjourn having been voted down, two other motions were immediately made.

Mr. O'Quinn raised a point of order on the motion to adjourn on the ground that no business had intervened since another motion to adjourn had been lost, and that, therefore, the motion of Mr. Brelsford to adjourn should not be entertained by the Chair.

Sustained. (29th, p. 724.)

Business must intervene between motions to recess.

Mr. Brown of Wharton moved that the House take a recess to 8 p. m. today.

Mr. Love of Williamson raised a point of order on the motion to take a recess, contending that it should not be put, on the ground that no business had been transacted since a similar motion had been rejected by the House.

Sustained. (30th, p. 1163.)

Held that speaking is "business."

Mr. Jenkins resumed the floor, addressing the House on the amendments pending to House bill No. 20.

Pending the address of Mr. Jenkins, he yielding the floor,

Mr. Peeler moved that the House take a recess to 8 p. m. today, whereupon

Mr. Mears raised a point of order on the motion to take a recess, on the ground that it should not be entertained for the reason that no business had been transacted since a similar motion had been rejected by the House.

Overruled. (30th, p. 1163.)

AMENDMENTS—GENERAL.

Proposed amendments agreed to only by the House.

Hines' Precedents, Vol. 5, Sec. 5756, says, "A proposed amendment may not be accepted by the member in charge of the pending measure, but can only be agreed to by the House."

This is also the practice in the Texas House.

An amendment may be similar to one lost, yet so different that it is in order.

Mr. Morrow offered the following amendment:

"Amend by inserting in line 23, on page 1, after the word 'drawback,' the following words: 'free pass.'"

Mr. Kennedy raised the point of order that the amendment was not in order, for the reason that an amendment similar in purpose had been tabled.

Overruled. (26th, p. 1190.)

Is an amendment covering the same matter embodied in an amendment previously tabled in order?

The House was considering Senate bill No. 11.

Mr. Hogsett offered an amendment to strike out Section 5. This was tabled.

Later on Mr. Hogsett offered the following amendment:

"Amend Senate bill No. 11 by striking out, in line 12, page 3, the words 'or purchase,' and the words 'or sell and convey' in line 18, and the words 'to own and' in line 21 of said page 3, and the words 'or purchased' in line 22 of said page 3 of said act."

Mr. Lane raised the point of order that the amendment by Mr. Hogsett was not in order for the reason that the same had been embodied in an amendment that was tabled.

Overruled. (27th, p. 220.)

Deficiency Appropriation Bill pending, Mr. Bean offered an amendment striking out all of page 10 to line 12, and further from line 12 to line 21, which was tabled.

Mr. Morrow then offered an amendment striking out lines 9, 10 and 11, page 10.

Mr. Schluter raised the point of order that the amendment was out of order, for the reason that a similar amendment had been offered and tabled.

Overruled. (27th, p. 786.)

Can an amendment be considered when it covers matter previously passed upon?

The House was considering House bill No. 3 in reference

to the retirement of certain State bonds. It had voted down an amendment striking out the words, "Shall become due and payable forty years from their date, but the State shall reserve an option of redeeming them at any time after five years from their date," and proposing to insert in lieu thereof the following: "Shall become due and payable twenty years from their date."

Mr. Seabury offered the following amendment to the bill: "Amend by striking out the words 'forty years' and inserting the words 'twenty years' wherever they occur in the bill."

Mr. Boyd raised a point of order on consideration of the amendment, stating that it covers a matter already passed upon in a preceding amendment, and should therefore not be entertained.

Overruled. (28th, called, p. 30.)

An amendment lost on a second reading of a bill is in order on a third reading.

An amendment which had been voted down on the second reading of a bill was offered while the bill was on the third reading.

Mr. O'Quinn raised a point of order on consideration of the amendment, stating that it should not be entertained, for the reason that the same proposition had been submitted, voted on and lost on the second reading of the bill.

The Chair overruled the point of order, stating that as this is a different stage in the progress of the bill, the amendment was in order. (28th, p. 151.)

Because the House has adopted an amendment is no reason why it should not consider another one embodying the same matter.

Mr. Love of Williamson offered the following amendment to the bill:

"Amend line 4, page 2, after the word 'equal,' the following: 'Every citizen or taxpayer in the county in which the contract is let, with all things equal, price, quality, work, etc., shall have preference in letting of the contract.'"

Mr. Hamilton raised a point of order on consideration of the amendment on the ground that another amendment embracing the same had been adopted.

Overruled. (30th, p. 301.)

An amendment is not in order if one of the same subject matter has been tabled.

Mr. Duncan raised a point of order on consideration of an

amendment on the ground that an amendment covering the same subject matter had just been tabled.

Sustained. (30th, p. 457.)

Because an amendment was ruled out of order at a certain stage of the proceedings is no reason why it might not be in order at another time.

Mr. Jennings' substitute was not germane to Mr. Ray's amendment to the bank bill, but was germane to the original bill.

Mr. Ray raised a point of order on consideration of the amendment on the ground that the amendment is not in order, for the reason that the subject matter thereof had already been before the House one time in the form of an amendment and killed by the ruling of the Chair.

Overruled. (31st, p. 555.)

If an amendment is lost or tabled, another one of the same import is not in order on the same reading or stage of the bill.

Mr. Shropshire offered the following amendment to an amendment:

"Amend by inserting after the word 'service,' in line 30, page 1, the following: 'Or issue to any person other than an employe of said railroad any free pass or permit to ride over said railroad.' Strike out all of Section 2, page 2."

Mr. Wooten raised the point of order that the amendment was not in order for the reason that a similar amendment had been tabled.

Sustained. (26th, p. 1193.)

An amendment is not in order if a former amendment containing the same matter has been tabled.

Mr. Bridgers offered an amendment covering the matter contained in an amendment which had just been tabled.

Mr. Stollenwerck raised the point of order that the amendment was out of order for the reason that it sought to do the same thing that the amendment just tabled sought to do.

The Chair sustained the point of order. (27th, p. 359.)

An amendment to strike out matter previously inserted in a bill is not in order unless reconsideration is ordered.

Mr. Bolin offered the following amendment:

"Amend the bill as amended by striking out the word 'lawyer' wherever it appears in the bill."

Mr. Hancock raised a point of order for the reason that the

House had just inserted such amendment in the bill and had tabled a motion to reconsider same.

The point of order was sustained. (28th, p. 175.)

It is not necessary to correct a typographical error in a printed bill if the original bill is correct.

Mr. Peyton offered an amendment to House bill No. 12 to correct a typographical error in the printed bill.

Mr. Bryan raised a point of order on further consideration of the amendment, on the ground that its adoption would make no change in the original bill, but would only correct a typographical error in the printed bill.

The Speaker sustained the point of order. (35th, 1st C. S.)

Not in order to offer an amendment to the caption of a bill until all amendments to the body of the bill have been considered and disposed of.

Mr. Burgess offered an amendment to the bill which amended both the caption and the body.

Mr. Burmeister raised a point of order on consideration of the amendment on the ground that no amendment to the caption of the bill is in order until all amendments to the body of the bill have been considered and disposed of.

Sustained. (34th, p. 407.)

Though an amendment should be voted down, it would be in order on a subsequent reading of the bill.

Mr. Fuller raised a point of order on consideration of an amendment on the ground that the House had already rejected the subject matter of the amendment.

Overruled. (31st, p. 834.)

(Note.—This amendment had been offered at a former reading of the bill.

A bill being considered after having been vetoed by the Governor cannot be amended. (32nd, p. 732.)

It is not in order to amend a bill repealing a statute so as to re-enact the identical statute. (32nd, p. 736.)

The purposes of an amendment cannot be changed by an amendment. (32nd, p. 967.)

A general bill cannot be changed into a local bill by an amendment. (32nd, p. 1325.)

AMENDMENTS—GERMANE.

The fact that the rules of the House provide that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, and that the Constitution declares that no bill shall be so amended in its passage through either house as to change its original purpose narrows the scope of germaneness to such an extent that often many amendments which relate to the general subject of the original proposition, but which so changes the original purpose of the bill or proposition by the elimination of essential parts thereof or by adding new matter on the same subject or by alterations in essential points are excluded. This necessarily limits and restricts amendments that are germane to any subject. The fact that there is no protection in the courts against the violation of the constitutional provision which prohibits changing the purposes of bills makes it imperative that a presiding officer, as well as legislators, strictly construe the rule, and must use due precaution in the consideration of the germaneness of an amendment.

(Note.—Whether one proposition is germane to another proposition or not, or whether one amendment is germane to another amendment or not, are questions which arise during a session probably more often than any others. Each case has to be decided on its own merits, so it was decided not to include in this volume the great quantity of precedents which would probably be of no value. The great quantity of these precedents bears witness to the fact that the field for questions of germaneness is practically boundless. A great many of these precedents may be found in the Manual of the Thirty-third Legislature.)

To a bill amending a general law in several particulars an amendment providing for the repeal of the whole law was held to be germane.

Hines' Precedents, Vol. 5, Sec. 5824.

This has been held many times in the Texas Legislature as has the ruling which naturally follows from it, i. e., a bill providing for the repeal of a whole law may be amended so as to amend the law instead of repealing it.

APPROPRIATIONS.

House may by amendments attach conditions to an appropriation.

The House was considering the general appropriation bill when Mr. Terrell of Travis offered an amendment to the Treasury Department as follows:

"The appropriation herein made for salary for clerks shall not be paid to more than two clerks who may be related to the State Treasurer in the third degree of consanguinity or affinity."

Mr. Bertram raised a point of order on consideration of the amendment on the ground that it is not germane to the bill.

The Speaker, ruling on the point of order raised by Mr. Bertram, said:

"The Chair thinks that this amendment is a condition attached to an appropriation, upon failure to comply with which the appropriation will cease to be effective. If this view is correct, the amendment is germane and does not amount to legislation on a different subject from that under consideration, more particularly so since the clerks whose qualifications are in a measure prescribed by this amendment are, it seems, not statutory officers, but merely employes filling places created by the biennial appropriation bill." (29th, called, p. 95.)

BILLS—CONGRESSIONAL PRECEDENTS.

The fact that the subject of a pending bill has already been acted on in another form is a matter for the consideration of the House, but does not justify the Speaker in ruling the bill out. (V. 2, 1325.)

A joint resolution is a bill within the meaning of the rules. (V. 4, 3375.)

No bill, petition, memorial or resolution referred to a committee may be brought back into the House on a motion to reconsider.

All bills, petitions, memorials or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

Committees may not change the title or subject of bills committed to them, and must set down on a separate paper the amendments which they recommend.

In the House amendments are offered to any part of a bill after it is read the second time. (V. 4, 3392.)

A new bill may be engrafted by way of amendment on the words "be it enacted," etc. (V. 5, 5781.)

The principle of germaneness relates to a proposition by which it is proposed to modify some pending bill, and not to a portion of the bill itself. (V. 5, 6929.)

An amendment inserting an additional section should be germane to the portion of the bill where it is offered. (V. 5, 5822.)

In voting on the engrossment and third reading and passage of a bill, a separate vote on the various propositions of the bill may not be demanded. (V. 5, 6144.)

The question on the engrossment and third reading being decided in the negative, the bill is rejected. (V. 4, 3420.)

A bill having been rejected by the House, a similar but not identical bill on the same subject was afterwards held to be in order. (V. 4, 3384.)

The refusal of the House to consider a bill does not amount to its rejection and does not prevent its being brought before the House again. (V. 5, 4930.)

The fact that a bill has passed the House does not preclude that body from passing another, not identical, bill on the same subject.

It is a common occurrence for one house to ask of the other the return of a bill, for the correction of errors. (V. 4, 3460.)

A resolution to recall from the Senate a bill alleged to have passed the House improperly was held to be privileged. (V. 4, 3479.)

A bill which had not in fact passed the House having been sent to the Senate by error, a resolution requesting its return was entertained as a matter of privilege. (V. 4, 3478.)

A motion being made to reconsider the vote on a bill which has gone to the Senate, a motion to ask the recall of the bill is privileged. (V. 5, 5669.)

BILLS—ADVERSE REPORT.

An adverse committee report on a bill does not prevent the consideration of a similar bill.

The House was considering a bill similar to one adversely reported to the House, when Mr. Bailey raised the point of order that a bill having the same object had been reported adversely by Judiciary Committee No. 2, which was in effect the defeat of the bill, and that it was not now in order to pass on this bill.

Overruled. (26th, p. 1206.)

Mr. Terrell of McLennan raised the point of order on consideration of the bill, and said:

"I make the point of order that this bill can not be considered at this time for the reason that House bill No. 30, on the same subject, was adversely reported by the Committee on State Affairs, and thereby 'killed.' The Constitution, Article 3, Section 34, provides that when any measure has been defeated by either branch of the Legislature, no other bill embodying the same question shall be considered at that session. House bill No. 30 was killed by this House, acting through its regularly constituted committee; therefore this Senate bill is out of order and can not now be considered."

Overruled. (30th, p. 414.)

BILLS—ADVERSE ACTION ON IN THE SENATE.

In the Twenty-sixth Legislature (p. 415) a point of order was made on consideration of a bill in the House because the Senate had considered and defeated a bill containing the same subject matter. The Speaker held the point of order not well taken. A point of order of this kind must be decided on the actual facts of the case. A bill might be similar, even containing, apparently, at least, the same subject matter and yet be so different as not to come within the rules. So this ruling can not be safely considered as a precedent one way or the other. Each case must stand or fall according to the facts. The Joint Rules require each house to notify the other when measures are defeated.

Held that a bill defeated in the Senate could be considered in the House.

The Speaker laid before the House as a special order House bill No. 44 on its second reading and passage to engrossment.

Mr. Thomason raised a point of order on consideration of the bill on the ground that the House has official notification that the Senate has defeated a bill containing the same substance.

The Speaker overruled the point of order, stating that while the Constitution prohibits the passage by either house of a bill after being officially notified of the defeat by the other house of a bill containing the same substance, that it did not prohibit its consideration. (37th Reg.)

(The contention of the Speaker was that it was entirely possible for the House to amend the bill and so change it as to make it agreeable to the Senate.

BILLS—CONSIDERATION OF.

After the House had appointed a committee to notify the Senate and the Governor that its labors had been completed and that it was ready to adjourn, the consideration of a free conference committee report was not in order.

Pending consideration of a conference report, Mr. Maddox raised a point of order on further consideration of the report on the ground that the House has appointed committees to notify the Senate and Governor that its labors had been completed and it was ready to adjourn.

Sustained. (32nd, p. 1401.)

House can not act on a resolution or a bill which has been transmitted to the Senate without recalling the same.

Question then recurring on the motion of Mr. Tarver to reconsider the vote by which House Concurrent Resolution No. 20 was adopted, Mr. Cole raised the point of order that the resolution being a concurrent resolution and having been sent to the Senate and having been already adopted by that body, and the House having been duly informed of said action, as is shown by the Journal, it would be a discourtesy to the Senate for the House to entertain a motion to reconsider without first informing the Senate that such a motion is pending in the House, and returning the same to the Senate with request that action thereon be reconsidered and the resolution returned to the House.

Sustained. (26th, p. 365.)

Bill relating to the assessment of property held not to violate the constitutional provision requiring revenue bills to originate in the House.

Senate bill No. 4, being what is known as the "full rendition bill," was before the House.

Mr. Lively raised a point of order on consideration of the bill on the ground that it is a revenue-raising bill, and that it should have originated in the House.

Overruled. (30th, called, p. 150.)

Relating to rule which requires that Senate bills be passed to a third reading seventy-two hours before the final adjournment of the session.

The House was considering a Senate bill on its second reading. The Speaker directed the Clerk to call the roll on the passage of the bill to a third reading.

A point of order was raised before the Speaker announced the vote on further consideration of the bill and the announce-

ment by the Speaker of the vote, on the ground that under the rules if a Senate bill is not passed to a third reading seventy-two hours before the final adjournment of the session that it could not be so passed, and that during the roll call the seventy-two hour limit had been passed and that the bill was dead.

The Speaker declined to rule on the point of order and submitted it to the House. The House overruled the point of order. (37th Reg.)

BILLS—GENERAL.

Senate bill granting Collis P. Huntington the right to use certain streets, wharves and alleys of Galveston held to be a general bill.

Mr. Garner raised the point of order that Senate bill No. 228 is a local bill and that the proper notice required by the Constitution had not been given.

Overruled. (26th, p. 942.)

And Mr. Wooten raised the point of order that this bill is a local bill, as recognized by its authors in giving notice by advertisement, and it effects every locality through which any and all of Collis P. Huntington's railroads pass. Therefore it ought to have been advertised in every locality affected by the proposed law, which had not been done. The notice has only been published in Galveston, whereas it ought to have been advertised in all the towns and counties whose railroad connections are affected by the Huntington wharves.

Overruled. (26th, p. 942.)

Bills to validate titles in Carson, Dallam and Hutchinson counties held to be a general bill.

On local bill day the House was considering House bill No. 396, "An Act to validate titles to lands located and patented in Carson, Dallam and Hutchinson counties on July 4, 1879."

Mr. McDowell raised the point of order that the bill was not a local bill and that it was not in order to consider same today.

Sustained. (26th, p. 1157.)

Bill extending time for payment on school lands to citizens of Fort Bend, Waller and Harris counties held to be a general bill.

House bill extending time for the payment of principal and interest on certain school lands for five years to citizens of Fort Bend, Waller and Harris counties, was placed before the House on local bill day.

Mr. Terrell of Cherokee raised the point of order that it is not a local bill.

Sustained. (27th, p. 844.)

Bill relating to Confederate Home at Austin is a general bill.

Bill relating to the government of the Confederate Home located at Austin was read on local bill day, whereupon Mr. Seabury raised the point of order that the bill was not a local bill.

The point of order was sustained, and the bill went back to the Speaker's table. (27th, p. 1032.)

Bill relating to the sale of public land on islands not local.

A bill to be entitled "An Act to provide for the purchase of public lands in quantities of five acres or less situated on islands by actual settlers who have settled on and placed valuable improvements thereon in good faith, or to their heirs or legal representatives, prior to the first day of January, 1895, and prescribing the price, terms and manner and time of such purchase," was held on a point of order by Mr. Bean not to be a local bill. (27th, p. 1162.)

An act to amend the general game (fish) law is not a local bill.

Pending House bill No. 100, to amend the general laws of the State of Texas, relating to the fish law, and to exempt certain counties from the provisions of said act.

Mr. Seabury raised the point of order on consideration of the bill, stating that the bill was general in its application and not local, and that it was not in order to consider it today unless by unanimous consent.

Sustained. (28th, p. 156.)

Bill to create a new county held not to be a local bill.

During the consideration of a bill to create the county of Ross out of parts of Comanche, Brown, Coleman, Eastland and Callahan counties, Mr. Terrell of McLennan raised the point of order on the consideration of the bill that it is not a local bill and that this night's session was set apart for the consideration of local bills only.

Sustained. (29th, p. 918.)

Mr. Brelsford, rising to a point of order, requested of the Speaker that he lay before the House, as a local bill, on its second reading and passage to engrossment, House bill No. 260, a bill to be entitled "An Act to create the county of

Ross out of parts of Eastland, Comanche, Brown, Coleman and Callahan counties."

The Speaker (Mr. Robertson of Bell) held that the bill was not a local bill and could not be taken up except by unanimous consent.

Mr. Brelsford appealed from the ruling of the Chair.

The House sustained the ruling of the Chair. (29th, p. 1045.)

Mr. Canales raised a point of order that this is a local bill (1) because it seeks to locate a county seat; (2) because it only affects certain territory, and under Sections 56 and 57 of Article 3 of the Constitution it requires it to be advertised thirty days, and evidence of such fact to be exhibited to the Legislature, which is not done in this case, and therefore the bill is not properly before the House.

The Chair (Mr. O'Bryan) overruled the point of order.

Mr. Robertson of Bell raised a point of order that it is not a local bill, for the reason that it is sought by the Legislature to create a county out of four different counties; it is general in its nature; that any measure that would come up in the interest of this county, if organized, after it was created, would be a local measure.

The Chair (Mr. O'Bryan) sustained the point of order.

Mr. Canales appealed from the ruling of the Chair on the point of order raised by Mr. Robertson of Bell.

The House sustained the point of order. (31st, p. 492.)

Bill creating a district court out of parts of two or more counties not local.

Pending, on local bill day, House bill, the nature of which point of order explains.

Mr. Bowles raised a point of order on further consideration of the bill, on the ground that it is not a local bill, for the reason that it creates another half of a district court for Dallas county and another half of a district court for Grayson county, and makes changes also in the time of the meeting of the district court in Collin county.

Sustained. (31st, p. 602.)

Fee bill applying to counties of more than 80,000 not local.

The House was considering a fee bill applying to counties having a population of 80,000 or more.

Mr. Adams raised a point of order on consideration of the amendment on the ground that the bill is a local bill and notice thereof must be advertised before its passage by the Legislature.

Overruled. (31st, p. 837.)

A bill to amend an act to apportion the State in congressional districts is not a local bill.

The House was considering a bill of that character on local bill day, when Mr. Cable raised a point of order on further consideration of the bill at this time on the ground that the bill is not a local bill.

Sustained. (31st, p. 911.)

The House may by unanimous consent consider a general bill on local bill day.

The House was considering a general bill.

Mr. Fitzhugh raised a point of order on consideration of the bill on the ground that tonight was set apart under the rules of the House for the consideration of local bills only.

The Chair overruled the point of order, stating that the bill was taken up by unanimous consent of the House. (31st, p. 912.)

Bills relating to judicial districts general.

The House was considering a bill changing certain counties from the Twenty-fourth to the Thirty-sixth Judicial District.

Mr. Reedy raised a point of order on consideration of the bill at this time on the ground that the bill was not a local bill.

Sustained. (31st, p. 917.)

A bill reorganizing one or more judicial districts is not a local bill.

The House was considering a bill reorganizing the Fortieth and Sixty-second Judicial Districts on local bill day, whereupon Mr. Cox of Rockwall raised the point of order that the bill was not a local bill and could not be considered at this time, and the Speaker sustained the point of order. (32nd, p. 1038.)

A general bill can not by amendment be changed to a local bill.

The House, considering a bill to provide means of securing fair elections and true returns thereof whenever any election is held when any proposed amendment or amendments to the Constitution of this State shall be voted upon, Mr. Smith of Atascosa offered an amendment providing that the provisions of the act should apply only to the Fourth Senatorial District, which amendment, upon the point of order raised by Mr. Schluter, was held not germane to the purpose of the bill. (32nd, p. 1153.)

BILLS—PRINTING OF.

It has been the practice to print or not print bills in the House on a simple motion if approved by a majority of those voting. This is all right so far as purely local bills are concerned, but it is a pernicious practice when applied to general bills. The truth is, so far as not printing general bills is concerned, it is contrary to public policy, and all motions to not print a general bill should be ruled out of order, because the rule, as will be seen, is plain and imperative.

General bills must be printed.

Mr. Bryant moved that House bill No. 466 be not printed.

Mr. Boner raised a point of order on consideration of the motion to not print the bill, on the ground that it is not a local bill.

The Speaker sustained the point of order. (34th Reg.)

No bill can be considered unless it has been printed and laid upon the desks of the members, unless the House has specifically ordered otherwise.

Mr. Wilmeth raised the point of order that the printed bill had not been laid on the desks of members, and moved that the Sergeant-at-Arms be directed at once to place upon the desks of the members all the printed bills now in his possession.

The motion prevailed, and the Sergeant-at-Arms was directed to comply with the order. (30th, called, p. 40.)

No bill can be considered unless it has been printed and laid on the desks of the members.

Mr. Gilmore raised a point of order on consideration of the bill at this time, stating that it is not in order for the reason that the bill had not been printed and laid on the desks of the members, as required under the rules of the House.

The Speaker sustained the point of order, stating that while the calendar shows that the bill had been printed, it had not been laid on the desks of the members. (31st, p. 234.)

A bill must be printed and laid on the desks of the members before it can be considered.

Mr. Vaughan raised a point of order on further consideration of the bill at this time on the ground that it has not been printed and placed on the desks of the members.

The Speaker sustained the point of order. (36th, 2nd C. S.)

A bill which has been reported adversely must be ordered printed, printed and laid upon the desks of the members before it can be considered.

Mr. Bagby moved to suspend the regular order of business to take up and have placed on its second reading Senate bill No. 401.

Mr. Terrell raised a point of order on consideration of the motion to suspend on the ground that the bill has been reported adversely and a motion to take up the bill is not in order until the bill has been ordered printed and printed copies laid on the desks of the members.

The Speaker sustained the point of order. (36th Reg.)

BILLS—READING OF.

The first reading of a bill is by caption. At this reading the only thing in order is the reference to the bill to the proper committee.

After the bill has been reported from a committee, it is in order, after taking it up, for the bill to be read in full, this being the second reading of the bill, and no motion to suspend the reading of the bill is in order if any member demands it.

The second reading of a bill is in full, the third reading by title unless some member demands a reading in full, and this reading has sometimes been suspended in the House, but there does not seem to be any authority for it except it be by a four-fifths vote.

No bill can be read more than once on the same day unless it contains the emergency clause.

Mr. Gaines raised a point of order on further consideration of House bill No. 58 at this time, stating that it is not in order to place the bill on its third reading today, for the reason that the bill does not declare an emergency."

Sustained. (31st, p. 328.)

BILLS—RECALLING FROM GOVERNOR.

The practice of recalling bills from the Governor for the purpose of amending or correcting has grown to be an established rule of the Legislature. When it is necessary to recall a bill from the Governor, the house in which the bill originates should pass a resolution something like this:

"Resolved by the....., the.....concurring, That the Governor be and is hereby requested to return to the.....,B. No.....for further consideration."

This resolution having been adopted by both houses and properly signed by both presiding officers should be officially communicated to the Governor, whereupon the Governor should return the bill by message to the house in which it originated.

When the bill has been returned to the house in which it originated the following concurrent resolution should be adopted:

"Resolved by the....., the.....concurring, That the action of the Speaker and the President of the Senate in signing.....B. No..... be rescinded and that the Speaker of the House and the President of the Senate erase their names from the enrolled bill."

The Senate having agreed to this resolution, the Speaker will cancel his signature and the bill will then be sent to the Senate, where the President will also cancel his signature.

This will leave the question back to the last action had before the bill was enrolled. If the bill is to be considered further, then every step must be retraced in regular order until the bill is again in a stage which permits the desired action.

If a bill is to be recalled to correct an error in the enrollment, a concurrent resolution authorizing the correction of the error will be in order rather than following the procedure indicated above.

BILLS—RECALLING FROM THE SENATE.

If a motion to reconsider the vote by which a bill was finally passed by the House prevails or is pending, it is in order to recall a bill sent to the Senate. But the motion can not be made except on the day the final vote was taken or on the next day before the order of the day is taken up. There is no rule or authority for recalling a bill simply because a majority of the House, or even all of the members of the House, may have changed their minds about the merits of the bill. If the House can rescind the vote by which a bill was passed, there being no motion to reconsider, it certainly can rescind a vote defeating a bill. And the House (33rd, p. 891) emphatically declared a motion of this latter kind out of order after a full discussion of the question. We, however, are not unmindful that there may be precedents for the opposite view, but they are not correct and ought not to be perpetuated. If we would preserve the integrity of the proceedings of any legislative body, the rules must be adhered to.

Held that a bill must be recalled from the Senate before a motion to reconsider it is considered.

Mr. Tidwell moved to reconsider the vote by which the House finally passed Senate bill No. 103.

Mr. Bledsoe raised the point of order on further consideration of the motion to reconsider on the ground that the bill should be recalled from the Senate before the House considers a motion to reconsider.

The Speaker sustained the point of order. (36th Reg.)

BILLS—RECOMMITTING OF.

Not in order to recommit a bill reported adversely with no minority report.

Mr. Barker moved to reconsider the vote by which the House on last Friday refused to recommit House bill No. 155, the bill having been reported adversely by the Committee on State Affairs.

Mr. Owen raised a point of order on the motion to reconsider on the ground that under the rules of the House it is not in order to recommit a bill which has been reported adversely by a committee, unless the passage of the bill has been recommended by a minority of the committee.

The Speaker sustained the point of order. (37th Reg.)

BILLS—RESCINDING VOTE DEFEATING THEM.

Held out of order resolution to rescind vote by which enacting clause was stricken out.

Mr. Robertson of Travis offered the following resolution:

Be it resolved, That the action of the House taken on January 24, 1911, in adopting the amendment striking out the enacting clause of House bill No. 41, relating to the fixing of salaries of judges of the courts of this State, be and the same is hereby rescinded.

The Speaker (Mr. Rayburn) held the resolution to be out of order, from which ruling Mr. Robertson of Travis appealed.

The Chair was sustained by a vote of 81 to 19. (32nd, p. 1075.)

A bill having been defeated, and a motion to reconsider the vote by which it was defeated being laid on the table, a motion to rescind the vote by which the House tabled the motion to reconsider is not in order.

Mr. Savage moved to rescind the vote by which the House, on February 10, tabled the motion to reconsider the vote by

which House bill No. 4, known as the "full crew bill," was on that day lost.

Mr. Kennedy raised a point of order that the motion to rescind is out of order; that such a motion, if carried, would abrogate the rules of the House, which provide for the reconsideration of all matters adopted by the House, and that the motion must be made by a member of the majority, or prevailing side, and must be made on the same or next sitting day before the order for the day is taken up, and that one day's notice must be given before the motion can be called up and disposed of. The rules of the House further provide that where a motion to table prevails that motion cannot be reconsidered. Immediately after House bill No. 4 was defeated on engrossment, a motion to reconsider that vote was made, and the motion to reconsider was tabled. The motion to rescind is but another method of reconsideration, and is now made by a gentleman who voted with the losing side and made several days after the House defeated the bill which he now proposes to revive. The adoption of his motion would establish a dangerous precedent. It would mean an interminable conflict over bills that, under the rules, have been killed.

In sustaining the point of order raised by the gentleman from Kerr, Mr. Kennedy, the Speaker gave the following reasons:

Rule 14, Section 1, provides as follows: "When a motion has been made and carried or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up."

Rule 12, Section 7, provides as follows: "A motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution or other immediate proposition tabled."

Article 3, Section 34, of the Constitution provides: "After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into law during the same session."

House bill No. 4 was considered fully by the House, and after lengthy debate was defeated; a motion to reconsider and table was made, which motion carried, and, in the opinion of the Chair, the motion to table the motion to reconsider killed the bill. It is just as important to the House to be able to kill a bill as it is to pass it. If a motion to rescind could be made, the motion to reconsider and table would be

without value, and if one motion to rescind could be made, such a motion could be made every day in the session and thus waste the time and thwart the will of the House deliberately expressed when the bill was defeated.

The Speaker is aware of the action of the House in the Twenty-sixth, Twenty-eighth and Twenty-ninth Legislatures and also familiar with the rulings of the Thirty-second Legislature dealing with the question of rescinding, and he is unhesitatingly of the opinion that the rulings made by Speaker Rayburn in the Thirty-second and by the present Speaker, who was in the chair during that same session, were correct.

If a motion to rescind could be made on the defeat of any bill, it could also be made after the passage of a bill, and in this way defeat the expressed will of the House. A motion to rescind must be based on the proposition that the only way to defeat a bill is by final adjournment, and if that be true the provisions of Section 34 of Article 3 of the Constitution would be meaningless.

For the above reasons the Speaker sustains the point of order. (33rd, p. 891.)

BILLS—SUBSTITUTES.

Held that a substitute for a whole bill could not be offered.
House bill No. 19 was before the House on its second reading.

Mr. Stephens offered the (committee) substitute for the bill.

Mr. Burmeister raised a point of order on consideration of the (committee) substitute on the ground that under the rules of the House a substitute for an entire bill cannot be offered.

The Speaker sustained the point of order. (34th Reg.)

(The proper way to substitute a new bill is to offer two amendments, one striking out all after the enacting clause and inserting a new body, and the other striking out all before the enacting clause and inserting a new caption.)

BILLS—VETOED.

Section 14, Article 4, of the Constitution says:

“Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove it, he shall return it, with his objection, to the house in which it originated, which house shall enter the objection at large

upon its Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of the members of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the Journal of each house, respectively."

Only requires a two-thirds majority of those present to pass bill over the veto of the Governor.

In the Thirtieth Legislature, Senate bill No. 6 was pending in the House after having been passed in the Senate over the Governor's veto. The first vote showed 83 yeas, 36 nays, 2 present and not voting, 4 paired, a total of 125 present. The Speaker announced that, it requiring two-thirds majority vote of the members present to pass it, the bill was lost.

Mr. Alderdice, who had voted against the bill, moved to reconsider the vote by which Senate bill No. 6 failed to pass notwithstanding the objection of the Governor. The motion to reconsider prevailed.

After the second roll call the Speaker announced the result: 88 yeas, 36 nays, 3 present not voting, 127 members present, and that the bill had passed.

When the Speaker announced the result, Mr. Gaines raised the point of order that the bill had not passed, and in support of the point of order submitted to the Chair the following proposition:

The Constitution, in providing the procedure of passing a bill over the Governor's veto, provides that it shall be returned with his objections, to the house in which it originated, and that this house—that is, "the house in which it originated"—may pass it by two-thirds of the members present." Then the bill shall be sent to the other house, where it can pass by "two-thirds of the members of that house." The point of order being that in this case the bill could pass the Senate by two-thirds of those "present," but that in the House it required two-thirds of the "members of the House," which would mean two-thirds of all the members elected, or eighty-nine votes, and there being only eighty-eight votes cast in favor of the bill, it had not passed.

The Speaker overruled the point of order and announced that the bill had passed. (30th, p. 1529.)

Cannot amend a bill after being vetoed.

The House had under consideration a bill vetoed by the Governor, the question being, Shall the bill be passed notwithstanding the objections of the Governor?

Mr. Nickels offered an amendment.

Mr. Kennedy raised a point of order on consideration of the amendment on the ground that it is not within the province of the House to amend the bill at this time.

Sustained. (32nd, p. 732.)

Held that the substance of a bill which failed to pass over the Governor's veto cannot be offered as an amendment to a subsequent bill.

The House having under consideration an act to adopt and establish the Revised Civil Statutes, Mr. Nickels and Mr. Kennedy offered an amendment which was in fact the seven o'clock closing law, which had been vetoed by the Governor and the Governor had been sustained.

Mr. Buchanan raised a point of order on consideration of the amendment on the ground that it is not germane to the purpose of the bill and that the subject matter of the amendment had already been voted down during this session of the Legislature.

Sustained. (32nd, p. 1287.)

CALENDAR OF THE DAY.

On suspension days the regular order of business may, by a majority vote, be suspended and any bill or measure taken up that may be desired. However, the practice has been that the Speaker recognize only those whom he wishes to recognize on suspension days; therefore, after pending business has been disposed of, only such bills may be brought before the House as the Speaker desires. It is entirely within his discretion to refuse to recognize any one for any purpose except to call up such bills as he may desire called up. Formerly the practice was to recognize members indiscriminately at the pleasure of the Speaker, but the later practice is to not recognize a member but one time to take a bill up out of its regular order until all the other members have had an opportunity to have the regular order suspended, and this custom has been made a fixed rule. On Senate bill days only Senate bills can be considered without the consent of the Senate. Special orders can be made on any day except Senate bill days, providing only one special order can be pending at the

same time. Special orders must be made by an affirmative vote of two-thirds of the members present.

A bill is not considered on the calendar until it has been reported from a committee, printed and distributed unless the House has ordered it not printed; then it goes on as soon as it has been reported from a committee.

Except on suspension days, bills must be considered in their numerical order if reported from a committee, printed and distributed. Bills on their third reading take precedence. A Senate bill may be taken up on suspension days subject to the limitations prescribed by the rules on either its second or third reading, or it may be made as a special order.

COMMITTEES—CONFERENCE.

Power of a conference committee with reference to incorporating new matter in its report.

Conference committee's report on House bill No. 7 was under consideration. Mr. Cope raised a point of order on consideration of report, on the ground that the report includes provisions not within the disagreements of the two houses on the bill.

Overruled. (34th, p. 1215.)

Case similar to the one above.

Q. Shall the conference report on Senate bill No. 140 be adopted?

Mr. Pedigo raised a point of order on consideration of the report on the ground that the committee has exceeded its authority by recommending the adoption of subject matter in the bill not in disagreement between the two houses.

The Speaker overruled the point of order. (36th, 2nd C. S.)

In order to instruct House conferees.

Mr. Tillotson moved that the House instruct the House conferees on House bill No. 116 to adhere to the provisions of the original bill.

Mr. Haney raised a point of order on consideration of the motion, on the ground that the House had already authorized the appointment of a conference committee to be free of instructions.

Overruled. (34th, p. 1081.)

COMMITTEES—POWERS OF.

So far as legislation is concerned, committees of the House have very little power, for the reason that their reports are advisory only and, aside from the fact that a favorable report secures the printing of a bill, which places it on the calendar, it has but very little value. However, if a bill is reported adversely and no minority report is filed the bill is dead.

COMMITTEES—REPORTS OF.

Adverse report of a committee does not kill a resolution.

A resolution providing that someone should be employed to transport the mail to and from the House had been reported adversely by the Committee on Contingent Expenses, to which it had been referred.

Mr. Hodges raised the point of order and stated that inasmuch as the committee report was adverse, it had the effect of killing the resolution, and that there was nothing before the House.

Overruled. (28th, p. 147.)

Committee reports are purely advisory.

Senate bill No. 4 pending on adverse report, Mr. Terrell of McLennan raised a further point of order on consideration of the bill on the ground that it is not properly before the House, since it has been reported adversely by the Committee on Revenue and Taxation, and that House bill No. 1, on the same subject, was reported favorably and should be considered.

Sustained. (30th, called, p. 150.)

Bill can not be considered when not reported from a committee.

The Speaker laid before the House and it was read the second time a Senate bill, when Mr. Hill raised a point of order on the consideration of the bill at this time on the ground that it had not been reported from a committee of the House.

Sustained. (32nd, p. 1322.)

A bill reported adversely with no minority report can not be considered by the House.

Mr. Wiginton moved to suspend the regular order of business to take up and have placed on its second reading and passage to third reading, Senate bill No. 122.

Mr. Williams of McLennan raised a point of order on consideration of the bill by the House, on the ground that the

bill had been reported adversely by the committee and that no minority report was filed.

The Speaker sustained the point of order. (36th, 2nd C. S.)

COMMITTEES—IN VACATION.

It often becomes necessary for the Legislature to appoint a committee to do some special work which of necessity must be done in vacation—that is, after the session has adjourned sine die. The opponents of these committees invariably take the position that they are not authorized and that the Legislature has no power or right to create a committee to sit between sessions of the Legislature. They base their contentions upon Section 18, Article 3, of the State Constitution, which provides that no member of either house shall, during the time for which he is elected, be eligible to any office or place of appointment which may be made in whole or in part by the Legislature.

These precedents began with the Twenty-sixth Legislature.

In the House there was pending a resolution providing for the appointment of a joint committee to sit during recess and investigate the affairs of the State, for which members were to be paid.

Mr. Dorroh raised the point of order that the House has no authority to make the appointment of this committee for the reason that Section 18, Article 3, of the Constitution reads in part as follows: "No member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment of which may be made, in whole or in part, by either branch of the Legislature."

The Speaker held the point of order not well taken, and stated that precedent and long established custom would sustain the House in adopting such resolution if it chose to do so. (26th, p. 1062.)

PRECEDENTS.

In 1879 the Legislature authorized the appointment of a committee of two members from the House and one member from the Senate, to be appointed by the Speaker and the President of the Senate, to continue the investigation of land forgeries.

In 1891 a committee of three on the part of the House and two on the part of the Senate were appointed by the Speaker of the House and the President of the Senate to investigate

the receivership of the International & Great Northern Railroad.

In 1901 a joint committee appointed by the presiding officers of the two houses was appointed to investigate the affairs of the State generally.

In 1909 a joint committee appointed by the Speaker and the Lieutenant Governor was appointed to investigate the penitentiary.

Each one of the foregoing committees sat in vacation and each member of the committees received for his services \$5 per day for the time that he was engaged in the work and all necessary expenses.

The Attorney General ruled that the Legislature had authority to provide that a committee should be composed of members of the House and Senate to act after final adjournment of the Legislature; Speaker of the House and Lieutenant Governor may make appointments during session of the Legislature.

AUSTIN, TEXAS, March 15, 1909.

Hon. Thomas M. Campbell, Governor of Texas, Capitol.

DEAR SIR: Senate bill No. 159, providing for the appointment of four members of the Senate and five members of the House as a committee on investigation of the penitentiaries, etc., has had my consideration. This act presents the following questions:

1. Did the Legislature have the authority to provide that this committee should be composed of members of the Senate and the House of Representatives, respectively, to act after the final adjournment of the Legislature?
2. Can such members be compensated by the Legislature as members of said committee while they are members of their respective houses?
3. Has such committee authority to make such investigation after the adjournment of the Legislature and make their report to the Governor?
4. Can the Lieutenant Governor and the Speaker of the House of Representatives make the appointments required by the act during the present session of the Legislature?

The act provides for the appointment of four members of the Senate by the Lieutenant Governor and five members of the House by the Speaker, who shall constitute a committee on investigation to visit the penitentiaries at Huntsville and Rusk, respectively, and such other places as in their judgment may be necessary to the end that a thorough investigation of the penitentiary system may be made, and providing

that said committee shall sit in vacation, and makes an appropriation therefor, etc.

I answer each of the above questions in the affirmative.

CASES CITED.

My opinion is that the act is constitutional and that the committee can be appointed and can lawfully exercise the powers and discharge the duties prescribed by said act, though the Legislature may have been finally adjourned.

Yours respectfully,
(Signed) R. V. DAVIDSON,
Attorney General.

COMMITTEE OF THE WHOLE HOUSE.

A bill having been considered in the Committee of the Whole House in part, it would not be in order to resume consideration in the House until the final report of the Committee of the Whole House had been made.

Mr. Decker offered the following substitute for the pending amendments:

"That House bill No. 111 be adopted down to line 28, page 32; provided the appropriation for State University may be amended or added to."

Mr. Bailey raised the point of order that the bill is not properly before the House, for the reason that it was considered in part by a Committee of the Whole House, and then taken up in the House without said Committee of the Whole having made a final report to the House.

Mr. Bailey then moved that the House adopt so much of the bill as was considered in Committee of the Whole, together with such amendments as were adopted by the committee. (29th, p. 1009.)

(Note.—While the record does not disclose the ruling of the Chair, the presumption is that the point was well taken.

Held that a resolution carrying an appropriation could be considered without referring it to the Committee of the Whole.

Pending resolution carried an appropriation.

Mr. Kennedy raised a point of order on consideration of the resolution, stating that, as the resolution proposed an appropriation, it should be considered in a Committee of the Whole House.

Overruled. (30th, p. 40.)

Held not necessary for bill carrying an appropriation to be considered in the Committee of the Whole House.

Bill carrying an appropriation pending in the House without having been referred to the Committee of the Whole.

Mr. Kennedy raised a point of order on further consideration of the bill on the ground that the bill carries an appropriation and that it should be considered in a Committee of the Whole House before being finally passed.

Overruled. (30th, called, p. 313.)

DECORUM AND DEBATE.

It is a general parliamentary rule that there must be something before the House before a member may proceed in debate, and this something must be a definite motion and may be required to be in writing. A withdrawal of the motion prohibits further debate on the motion. But sometimes, when a report or a message from the Governor, for instance, has been before the House, it has been debated upon before any specific motion was made in relation thereto. Before debate begins, the motion must be stated by the Speaker or read by the Clerk.

A member who desires to speak should address the Chair, and, having obtained recognition, may proceed if he does so in an orderly and parliamentary way—i. e., avoiding personalities—until he consumes his time, which, under the rules, is ten minutes, and which may be extended by motion to twenty minutes, and after that he can speak only by unanimous consent, unless he is the mover of a proposition or has the bill or measure under consideration in charge. Then, on motions to table or under the previous question, he has twenty minutes in which to close the discussion. The time limit of ten minutes does not apply to appropriations. According to the rules, a member may speak fifteen minutes only on appropriations. A member having the floor may not be taken off by an ordinary motion, even by the higher privileged one to adjourn, but he may be interrupted by messages from the Senate or from the Governor, this being the custom rather than the written rule. A member may yield the floor for a motion to adjourn or resume his seat while a paper is being read in his time without losing the right to the floor. If a member yields the floor to another to offer an amendment, he loses his right. A member desiring to interrupt another in debate must secure recognition from the Chair for permission to ask the member speaking if he will yield.

The latter may exercise his own discretion as to whether or not he will yield.

The rule which should be adhered to is that when speaking a member must confine himself to the subject under debate. In discussing an amendment, the debate must be confined to the amendment and not include the general merits of the bill.

In recognition for general debate, the Speaker should alternate between those favoring and those opposing.

It is entirely proper, when a member seeks recognition, for the Speaker to ask, "For what purpose does the gentleman rise?" And, as we have seen, the Speaker may, or may not, recognize a member, from which there is no appeal. That there should be no appeal on questions of recognition is a wise and beneficent rule. Were it otherwise, endless confusion would often exist and instead of a deliberative assembly we would have a mass meeting uncontrollable.

It may be added that no member is entitled to the floor unless he adheres to the rules. If he indulges in accusations against the integrity of his fellow members, he may be taken off the floor and reprimanded. If he persists, he will be in disorder.

When a motion is made to table a proposition, the mover of the proposition or the member reporting it from a committee has the right to close the debate.

Mr. Fuller being recognized to speak to the motion to table, Mr. Ray raised a point of order that the motion to table is not debatable.

The Chair overruled the point of order, stating that the mover of the proposition has the right to close the debate. (31st, p. 826.)

While under the previous question, the mover has the right to close the debate, he can not speak after the vote has been taken and when the Chair is about to announce the vote.

The House was considering an amendment to the rules. The previous question had been ordered. After the vote had been taken, but before the same had been announced, Mr. Seabury, chairman of the Committee on Rules, arose to address the House.

Mr. Wells of Grayson raised the point of order that, for the reason that the previous question had been moved and seconded, and that the House had voted, and the Chair being in the act of announcing the result, further discussion was out of order, even by the mover of the proposition.

The Chair sustained the point of order and stated that the gentleman from Starr would have had the right to address the House under the previous question if he had sought recognition at the proper time, but since the House had come to a vote on the question and the result was about to be announced, the Chair would only permit further discussion by unanimous consent. (27th, p. 239.)

DILATORY MOTIONS.

A motion to adjourn held not to be dilatory.

Pending a motion to adjourn, Mr. Satterwhite raised the point of order that the motion to adjourn is purely dilatory and for the purpose of obstructing proceedings, and should not be entertained.

Overruled. (27th, p. 1223.)

A member is not entitled to the floor when his evident purpose is to delay the transaction of business.

Mr. Reedy being recognized to speak to his amendment, Mr. Rayburn raised the point of order that he is not entitled to the floor for the reason that he was using it for dilatory purposes.

Sustained. (31st, p. 1204.)

Yeas and nays—Demand for, a constitutional right and not dilatory.

Constitution, Article 3, Section 12: Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journals.

Rule 9, Section 6: The yeas and nays of the members of the House on any question shall, at the desire of any three members present, be called and entered on the Journal.

Yeas and nays having been demanded on a pending motion, Mr. Mays raised a point of order on the demand for the yeas and nays on the ground that the yeas and nays are being continually demanded by certain members for the purpose of obstructing the proceedings of the House, and that the Chair should not entertain the demand.

The Chair (Mr. Harris) overruled the point of order. (29th, p. 1345.)

EXPENSE—CONTINGENT.

A motion to purchase a portrait of a Texas pioneer and pay for it out of the contingent expense fund held in order.

A resolution to purchase a portrait of General Ed Burleson and pay for it out of the contingent expense fund of the House was offered.

Mr. Murray of Wilson raised a point of order on consideration of the resolution, stating that the resolution proposes to appropriate money out of the contingent fund for a purpose that can not be construed as contingent expenses, and that said appropriation can not be made except by bill, without doing violence to the Constitution and the Rules of the House, which provide that (see Rule XXI, Section 1) "no appropriation of money shall be made except by bill."

Overruled. (29th, p. 451.)

EMPLOYEES.

A resolution to employ stenographers, etc., on January 21st, having been voted down, held that a resolution offered at a later date for the same purpose was entirely different.

Mr. Looney offered a resolution providing for the appointment of additional stenographers.

Mr. Satterwhite raised the point of order that a resolution similar in substance was defeated by the House on January 21st and that, under Article 3, Section 34, of the Constitution, another resolution with the same object in view could not be considered at this session.

The Speaker overruled the point of order, stating that while both resolutions sought to make provision for appointment of stenographers and typewriters for the use of the House, the proposition to provide for such service on January 21st was entirely different from the proposition coming at this time. (27th, p. 323.)

ENACTING CLAUSE.

Motion to strike out the enacting clause takes precedence of all other amendments.

Mr. Bridgers offered as an amendment to a pending bill a motion striking out the enacting clause.

Mr. Napier raised the point of order that the amendment by Mr. Bridgers should not be put to a vote until the friends of the bill shall have time to perfect it.

Overruled. (27th, p. 110.)

If the enacting clause appears in the original copy of the bill as filed, its omission from the printed bill is immaterial.

Mr. Bolin raised a point of order on further consideration of the bill, stating that as the printed bill contains no enacting clause, there is nothing before the House.

The Chair overruled the point of order, stating that the original bill on the Speaker's table contains the enacting clause and that the omission is clearly a mistake of the printer. (28th, p. 786.)

Held that an original bill must have an enacting clause.

The House was considering House bill No. 302 on its second reading. A point of order was raised on further consideration of the bill on the ground that the bill contained no enacting clause. Upon examination the Speaker found that there was no enacting clause in the bill and so informed the House. But inasmuch as the rule of the House which provides that a bill must have an enacting clause was based on an article in the Constitution which had been construed in various ways, and since the Chair had refused to rule on constitutional questions, he left the point of order up to the House. The House sustained the point of order. (37th Reg.)

JUDGES—DISTRICT.

Leave of absence granted district judges within the power of the House.

A resolution granting a district judge permission to leave the State pending, Mr. Jenkins raised a point of order on consideration of the resolution, stating that it is entirely unnecessary and superfluous, for the reason that there is neither any constitutional or statutory law that makes it necessary that the Legislature grant a district judge leave to absent himself from the State.

The Speaker overruled the point of order and said: "The contention of the gentleman from Brown that such a resolution is futile and unnecessary may be correct, but that question is one to be passed on by the House and not by the Chair." (30th, p. 455.)

Mr. Gafford raised a point of order on consideration of the resolution on the ground that there is no law requiring that a district judge obtain permission of the Legislature in order that he may absent himself from the State.

The Speaker overruled the point of order and stated that

it is within the power of the House to pass such a resolution should it desire to do so. (30th, p. 668.)

ORDERS OF THE HOUSE.

The House can instruct a committee at any time.

Mr. Cobbs offered a resolution instructing a committee to "at once report on the bill."

Mr. Love of Dallas raised a point of order on consideration of the amended resolution on the ground that the House had this day granted the Committee on Revenue and Taxation ten days further time for consideration of all bills before it, and that the House could not, immediately following said action, direct the committee to report a bill at once.

The Speaker overruled the point of order, holding that the adoption of the resolution would simply be an order of the House. (29th, p. 486.)

The House can instruct a committee.

Mr. Fitzhugh offered a resolution ordering a bill still in a committee unreported, printed and set down for a hearing at 2:30 p. m. next Friday.

Mr. Williams raised a point of order on consideration of the resolution, on the ground (1) that it would have the effect to change the rules of the House and that it should go to the Committee on Rules, and, furthermore (2) that it seeks to establish a special order before another special order of the calendar is finally disposed of.

The Speaker sustained the point of order (2) in so far as it relates to a conflict with another special order not disposed of, but held that the House could instruct a committee and that part of the resolution is in order. (29th, p. 486.)

PERSONAL INTEREST.

Mr. Middlebrook raised a point of order on further consideration of the bill (anti-pass bill), stating that, as a majority of the members were personally interested in the subject matter of the bill, they are disqualified under Section 22, Article 3, of the Constitution of Texas from voting on the bill, and that a quorum could not be secured to vote on its passage.

Overruled. (28th, p. 786.)

(Note.—The Speaker evidently believed that the "question of personal interest" was one for each member to decide for himself.

PREVIOUS QUESTION.

By consent or by agreement, an amendment may be offered after the previous question has been ordered.

To an amendment, Mr. Wheless raised the point of order that the amendment was not in order, for the reason that it had been withdrawn and that it was not in order to offer it after the previous question had been moved and ordered.

The Speaker overruled the point of order and stated that the amendment had been offered as a substitute for the amendment by Mr. Powell, and held out of order at that time as not being germane to the amendment, but that it would be entertained later.

In the meantime the previous question had been moved and ordered, but with the understanding by the mover that the amendment by Mr. Shannon was before the House. (26th, p. 1018.)

The House, by passing a bill upon the previous question which had been seconded but which had not been ordered because of the failure of the Chair to put the question, ratifies the action of the Chair.

The previous question was seconded, but not ordered, because the Chair failed to put the question, whereupon Mr. Morrow raised the point of order that after the motion for the previous question had been seconded, the Speaker did not put the question on ordering the previous question, and that the House should have an opportunity of voting on that question before the bill is passed to a third reading.

The Speaker overruled the point of order and stated that the Chair acknowledged the omission, but that the House had ratified the seconding of the previous question by passing the bill to a third reading by a decisive majority, and that the Chair would consider the action final.

There was no appeal from the decision of the Chair. (27th, p. 221.)

Previous question must be confined to motions actually before the House.

Mr. Smith moved the previous question on engrossment of the bill and asked unanimous consent of the House to include in this motion for the previous question all the amendments which the members may choose to send up at this time.

Mr. Hodges objected and raised the point of order that such a motion for the previous question could not be entertained.

Sustained. (28th, p. 792.)

Can not adjourn under the previous question.

The previous question having been ordered, a motion to adjourn was made.

Mr. Rice raised a point of order on the motion that same is not in order until the vote on which the main question is ordered is concluded.

The Chair (Mr. Glenn) sustained the point of order. (29th, called, p. 68.)

The House having ordered the consideration of the appropriation bill by departments, the previous question could not be ordered on the engrossment of the bill without rescinding the order or completing the consideration of the bill.

During the consideration of the appropriation bill, the House had ordered that it be considered by departments, and while the House was considering public health and vital statistics, Mr. Dodd moved the previous question on the engrossment of the bill.

Mr. Rice raised a point of order on the motion on the ground that the House had passed an order to consider the bill by departments, and that said order must first be rescinded.

Sustained. (29th, called, p. 121.)

The fact that there has not been a free and full discussion of a matter does not prevent the asking of the previous question.

Mr. Kennedy raised a point of order on the motion for the previous question, stating that inasmuch as the rules provided that full and free discussion should be allowed on all questions, and that, as this resolution had just been offered and had not received consideration in the House, the Chair should not entertain the motion for the previous question.

Overruled. (30th, p. 104.)

No motion is in order while the House is operating under the previous question.

Mr. Wilmeth moved to reconsider the vote by which an amendment was adopted under the previous question.

Mr. Canales raised a point of order on consideration of the motion to reconsider on the ground that the House is now acting under the previous question, and that no motion is in order until the main question is disposed of.

Sustained. (30th, p. 317.)

RECESS.

A recess can not be had when a quorum is not present.

Mr. Brelsford moved that the House take a recess to 10 o'clock a. m. next Monday, upon which motion yeas and nays were demanded.

While the Clerk was proceeding with the roll call, Mr. Hendricks raised a point of order on consideration of the motion, stating that the last roll call having developed the want of a quorum, a motion for a recess is not in order, but that it is in order to entertain a motion to adjourn.

Sustained. (28th, called, p. 92.)

The House having recessed does not displace the business of the day; nor does it require the consideration of postponed or special orders set for the calendar day to which the House recessed.

Mr. Gilmore raised a point of order on further consideration of the bill at this time, for the reason that the House should take up House Joint Resolution No. 10, the same having been postponed on last Friday until Tuesday, March 2, at 2 o'clock p. m.

The Speaker overruled the point of order, stating that the House having recessed on yesterday until today, the present proceedings are a continuation of Monday's session of the House. (31st, p. 676.)

RECONSIDERATION.

When any motion has been carried or lost, any member who voted with the prevailing side may on that day or the next sitting day before the order of the day is taken up move to reconsider the vote by which the proposition was carried or lost. If the motion is not disposed of when made it is spread upon the Journal, but can not be called up after that legislative day without one day's notice having been given. However, all motions to reconsider during the last three days of the session must be disposed of when made. A motion to reconsider can not be withdrawn, but may be called up by any member. If a motion to reconsider is not disposed of when made upon an amendment or other incidental matters it is regarded as determined and lost upon the final vote upon the main question.

The motion can not be entertained during the absence of a quorum when the vote proposed to be reconsidered requires a quorum, but on votes incidental to a call of the House it may be entertained, although a quorum is not present.

The mover of a proposition is entitled to first recognition to reconsider. The practice is that where a bill is passed, the person having the bill in charge makes the motion to reconsider and to lay the motion on the table, or if the bill is defeated, its leading opponent makes a similar motion. The effect of these motions is to prevent further discussion or delay on motions to reconsider. Sometimes, especially where a two-thirds vote is necessary to carry the proposition, some member who favors the measure votes in the negative that he may move to reconsider the motion, which is spread upon the Journal, to be called up at a more favorable time. Again, this method is resorted to by persons who are really opposed to bills, but vote for them in order to move to reconsider and await a more favorable opportunity for defeating the proposition. On a yea and nay vote only those who are recorded as voting with the prevailing side are entitled to make the motion to reconsider. In case of a tie vote, a proposition is lost and therefore only those who voted against the proposition can make the motion to reconsider.

Where it requires a two-thirds vote to carry a proposition, those who voted in the negative, if the proposition fails to receive the necessary two-thirds vote, are the only ones who can make the motion to reconsider. But where there is no roll call, any member present and voting may make the motion to reconsider, but a member who was absent or who was paired in favor of the prevailing side and did not vote can not make the motion.

The congressional practice is that the motion to reconsider may be made after the previous question has been ordered, but such is not the case in the House, as our rules prohibit the making of any motion after the previous question has been made, except, of course, a motion to reconsider the ordering of the previous question which can not be made after the previous question has been partially executed. That is, if there are several amendments pending and the previous question is ordered on the amendments and the main proposition and one of the amendments has been voted upon the previous question can not be reconsidered, but the House must proceed under it. It has been held in Congress that after a conference has been agreed to and the managers for the House have been appointed it is too late to move to reconsider the vote whereby the House acted on the amendments in disagreement. While the motion to reconsider can be made at any time, subject only to the limitations herein named, yet it may not be considered while another question is before the House.

A bill may be taken up and considered on final passage notwithstanding a motion to reconsider has been put on the Journal and not acted upon.

Mr. Henderson of Lamar then raised the point of order that it is not proper to take up a bill and consider it on its third reading and final passage while a motion to reconsider the vote by which it passed the third reading is on the Journal and not disposed of.

Overruled. (26th, p. 755.)

Notice to call up a motion to reconsider must be given as required by the rule.

An effort was made to call up a motion to reconsider.

Mr. Kennedy raised a point of order that notice of intention to call up a motion to reconsider as required by the rules had not been given, and that, therefore, the motion to reconsider can not be called up until proper notice is given.

Sustained. (26th, p. 755.)

The ordering of the main question can be reconsidered.

Mr. Bridgers, by consent, moved to reconsider the vote by which the House had ordered the main question.

Mr. Powell raised the point that it was not in order to entertain a motion to reconsider a vote ordering the main question, and stated that House Rule No. 46 is plain and precludes any motion whatever, and that House Rule No. 55 so shows.

Overruled.

Mr. Lane appealed from the ruling of the Chair, and the House sustained the Chair. (26th, p. 1220.)

The motion to reconsider and table when carried is a final disposition of the matter.

Mr. Maddox raised a point of order on consideration of the resolution on the ground that the House having tabled the motion to reconsider the vote by which the adjournment resolution was adopted, the resolution can not be further considered by the House. The Speaker declined to rule on the point of order, and submitted the question to the House for its decision. The House sustained the point of order. (34th, p. 693.)

Point similar to the one above.

Mr. Tillotson offered a resolution recalling a sine die adjournment that had been passed and sent to the Senate. Mr. Lewelling raised a point of order, on the ground that it was

not in order for the House to recall a resolution from the Senate except for the purpose of correcting an error therein.

Overruled. (34th Leg., p. 692.)

Mr. Maddox raised a point of order on consideration of the resolution on the ground that the House having tabled the motion to reconsider the vote by which the adjournment resolution was adopted, the resolution can not be further considered by the House.

The Speaker declined to rule on the point of order, and submitted the question to the House for its decision. The House sustained the point of order.

Case where a point of order on a motion to reconsider came too late.

Mr. Fitzpatrick moved to reconsider the vote by which the resolution (H. J. R. No. 1) failed to pass and to table the motion to reconsider. Motion to table was lost with a yeay and nay vote. After result of vote was announced Mr. Bagby raised a point of order on consideration of the motion to reconsider and table, on the ground that Mr. Fitzpatrick did not vote on the prevailing side, and that it was not in order for a member not of the prevailing side to so move.

Overruled, the Speaker stating that the point of order came too late. (35th Reg.)

Member must have voted with the prevailing side or he can not move reconsideration.

Mr. Calvin raised the point of order on the motion made by Mr. Duff, stating that under the rules of the House the motion is not in order, the gentleman from Jefferson having voted with the minority, as shown by the roll call.

Sustained. (28th, p. 407.)

During the last three days of the session all motions to reconsider must be disposed of when made.

Mr. Love called up a motion to reconsider that had been laid on the table subject to call.

Mr. Napier raised the point of order on consideration of a motion to reconsider, stating that under said rule a motion made during the last three days of the session must be disposed of when made.

Sustained.

Mr. Duff spoke to the point of order and appealed from the ruling of the Chair.

The House sustained the ruling of the Chair. (28th, p. 1160.)

The House having fixed the number of clerks, a resolution to appoint five additional clerks is not in effect a reconsideration of the original resolution.

Mr. Witcher offered a resolution reciting that, whereas, the clerks that have been discharged were discharged without any chance whatever to hold their positions and that the resolution was not carried out as passed by the House; and as it is now it casts a reflection upon the ones who were efficient and faithful, therefore, be it resolved that the Speaker be and he is hereby authorized to appoint five additional clerks to serve this House during this called session.

The resolution was read a second time.

Mr. Moran raised a point of order on consideration of the resolution stating that it was in the nature of a reconsideration of the vote on the resolution adopted yesterday, relative to committee clerks, and therefore should not be entertained.

Overruled. (28th, called, p. 25.)

The previous question will not apply to a motion to reconsider and table.

A bill was passed under the previous question. The vote by which it passed was reconsidered, and pending the vote after reconsideration, a motion was made to adjourn.

Mr. Brelsford raised a point of order on the motion to adjourn, stating that the House acting under the previous question, it is not in order to entertain a motion to adjourn until the previous question is exhausted.

The Chair overruled the point of order, stating that the previous question extended no further than the final passage of the bill, and could not operate on motion subsequently made, as in this case, the motion to reconsider and table, which, furthermore, being undebatable, can not take the previous question under any circumstances. (29th, p. 169.)

When a motion to reconsider is put and carried, the proposition which is reconsidered becomes the pending business.

During the morning call, while the House was under the head of "Routine Motions," the vote by which an amendment was adopted was reconsidered.

Mr. McKenzie raised a point of order on consideration of the pending amendment and substitute therefor on the ground that the order of business before the House is "Routine Motions," and the motion to reconsider being of that nature and having been disposed of, it is not in order to

consider the amendment, said consideration being in effect to bring up the whole bill before the House.

Overruled. (30th, called, p. 135.)

The fact that when a Senate bill finally passes the House, after having been amended by the House, and that a motion to reconsider the vote by which the bill finally passed was laid on the table, does not stop the House from receding from its amendments to the bill.

Mr. Brown of Wharton raised a point of order that neither motion is now in order, for the reason that when the bill passed the House the vote by which the bill passed was reconsidered and tabled, and that it is not now in order to take it up again.

Overruled. (30th, called, p. 390.)

To make a motion to reconsider, one must have voted with the prevailing side.

Mr. Johnson, having voted for a motion which was lost, moved for a reconsideration.

Mr. Standifer raised a point of order on consideration of the motion to reconsider on the ground that the gentleman from Galveston (Mr. Johnson) could not make a motion to reconsider, for the reason that he voted with the losing side.

Sustained. (31st, p. 906.)

Not in order under previous question.

A motion to reconsider is not in order when the House is acting under the previous question. (33rd, p. 834.)

It is not in order to amend a motion to reconsider.

Mr. Stamps moved to reconsider the vote by which House concurrent resolution was adopted. Mr. Campbell offered an amendment to the motion to reconsider.

Mr. Kennedy raised a point of order on consideration of the amendment on the ground that it is not in order to amend a motion to reconsider.

Sustained. (32nd, p. 153.)

A motion to reconsider must be made within the time prescribed by the Rules.

Mr. Elliott moved to reconsider the vote by which the House, on last Saturday, refused to pass House Joint Resolution No. 5 to engrossment, and asked to have the motion to reconsider spread on the Journal.

Mr. Kennedy raised a point of order on consideration of the motion to reconsider on the ground that the time allowed

under the rules of the House for consideration of the motion had expired.

Sustained. (32nd, pp. 924-5.)

Only those who voted on prevailing side of a question can move to reconsider.

Mr. Stevens moved to reconsider the vote by which Senate bill No. 247 was passed, whereupon Mr. Hamilton of Childress raised a point of order, stating that Mr. Stevens voted with the losing side, and after reference to the record, which sustained the statement, the point of order was held well taken. (32nd, p. 1325.)

One day's notice must be given before a motion to reconsider which has been spread on the Journal can be called up.

Mr. Burmeister called up the motion to reconsider the vote by which the House on March 6 refused to pass House Joint Resolution No. 15, the motion to reconsider having been duly made on that day to spread on the Journal.

Mr. Bagby raised a point of order on consideration of the motion to reconsider at this time, on the ground that one day's notice had not been given that the motion would be called up, as required by the rules.

Sustained. (34th, p. 1044.)

Mr. Burmeister appealed from the ruling of the Chair. Appeal was seconded. Mr. Rowell called to the chair. Mr. Burmeister then withdrew his appeal, indicating by this action that in his opinion the Speaker's ruling was correct.

RESOLUTIONS.

Because a resolution or bill is similar to any other bill or resolution pending does not prevent its consideration.

Mr. Kennedy offered a resolution that the House take a recess from next Wednesday afternoon until Friday morning at 9:30.

Mr. Childs raised the point that the resolution is not in order, for the reason that a similar resolution is now pending in the House, and this should not be entertained until the other is disposed of.

Overruled. (26th, p. 383.)

House cannot by simple resolution rescind its acts in adopting a concurrent resolution.

The House had adopted a Senate resolution to adjourn, and

a simple resolution was pending, rescinding said action and asking the Senate to return said concurrent resolution.

Mr. Clements raised a point of order that the resolution being a simple resolution and proposing to rescind the action of the House adopting a concurrent resolution, it is therefore not in order.

Sustained. (27th, p. 990.)

Resolutions can only be considered during the time set apart for their consideration.

The House resumed consideration of the pending question, same being, Shall Senate Concurrent Resolution No. 1 pass?

Mr. Moran raised a point of order on further consideration of the resolution, stating that the time allotted (one-half hour) under the rules for consideration of resolutions had expired.

The point of order was sustained, and the resolution went to the Speaker's table. (28th, called, p. 49.)

Rules may be suspended for the consideration of a resolution.

It being Monday, Mr. Duncan moved to suspend the rules relative to the consideration of resolutions that he might offer a resolution.

Mr. Hamilton raised a point of order on the motion for the reason that the Duncan resolution did not come within the meaning of the rule.

Overruled. (30th, p. 167.)

In order to request the Senate to return a resolution.

Mr. Tillotson offered a resolution requesting the Senate to return to the House the House concurrent resolution which set a time for sine die adjournment.

Mr. Lewelling raised a point of order on consideration of the resolution, on the ground that it is not in order for the House to recall a resolution from the Senate except for the purpose of correcting an error therein.

The Speaker overruled the point of order. (34th Reg.)

Twenty-minute rule does not apply to resolutions which go over to the next legislative day as unfinished business.

Mr. Sullivan moved to suspend the rule limiting the time for the consideration of resolutions, until the resolution was disposed of.

Mr. Watson raised a point of order on consideration of the motion to suspend, on the ground that the resolution be-

ing unfinished business is not subject to the rule limiting the time for consideration, and that it should be considered until disposed of.

Sustained. (34th, p. 309.)

A resolution having been read once under a suspension of the rules, it is within the province of the House to have it read a second time.

Mr. Baskin raised a point of order on consideration of the motion for a second reading of the resolution offered under a suspension of the rules and stated that it should not be entertained for the reason that the rules had been suspended simply for the purpose of having the resolution read the first time.

The Speaker overruled the point of order and stated that it was entirely within the province of the House to have the resolution read second time if it so desired. (30th, p. 168.)

A resolution may be withdrawn at the pleasure of the author.

Mr. Cobbs then withdrew the resolution from further consideration of the House.

Mr. Jenkins raised a point of order on the withdrawal of the resolution, stating that the resolution is the property of the House and should not be withdrawn without the consent of the House.

The Speaker overruled the point of order and, on appeal, the House sustained the Chair. (30th, p. 170.)

A resolution expressing thanks for courtesies shown the members of the House is in order regardless of the fact that many members did not participate in the courtesies.

To a resolution expressing thanks to the people of Fort Worth and Gainesville for courtesies shown the membership while on an excursion to said cities, Mr. Bogard raised a point of order on the ground that it carried the presumption that the whole House went on the excursion to Fort Worth, and Gainesville also, when in fact many did not go.

Overruled. (30th, p. 1088.)

A resolution offered by unanimous consent must be read first time.

Mr. Bryan having obtained unanimous consent to offer a resolution and the Clerk was reading the resolution, Mr. McConnell obtained the floor, rising to a point of order, and moved that further reading be suspended. Mr. Carswell

moved to lay the motion on the table, whereupon the point of order was made that, the resolution being offered by unanimous consent, the reading should be concluded without interruption, which was sustained, and the Clerk proceeded to read the resolution. (30th, called, p. 261.)

Resolution covering the same matter as one previously voted down is not in order.

A resolution providing for the election of warrant clerk pending, Mr. Gaines raised a point of order on consideration of the resolution for the reason that the House had already voted down a resolution covering the same subject matter.

Sustained. (31st, p. 70.)

On Senate day the consideration of no bill is in order until Senate bills or Senate resolutions have been disposed of.

The House was considering a simple resolution on Senate bill day.

Mr. Gaines raised a point of order on further consideration of the resolution on the ground that the resolution was postponed until Wednesday, and Wednesday being Senate bill day, the Senate bills have precedence of any postponed matter and, therefore, objection being made, it is out of order to consider any postponed matter other than Senate bills.

The Speaker held the point of order well taken. (31st, p. 537.)

Resolution requesting the Attorney General to do certain things in order.

A resolution pending requiring* the Attorney General to investigate the books of certain electric companies and report back to the Legislature at his earliest convenience, Mr. McDaniel raised the point of order that the resolution and amendment is out of order for the reason that the resolution seeks to impose a duty upon the Attorney General's Department and should be done by bill duly referred to a committee, and further that it is an act by the Legislature imposed upon the Executive Department.

Overruled. (32nd, p. 139.)

RESOLUTIONS—TIME FOR CONSIDERATION OF.

Instance where it was held that resolutions could not be taken from the Speaker's table except during hour set apart for consideration of resolutions.

March 5, 1901, Mr. Ragland asked to have taken from the Speaker's table and laid before the House for consideration

the Phillips resolution inviting Mrs. Carrie Nation of Kansas to address the House. (This resolution was introduced on February 26th, and had gone to the Speaker's table.) Whereupon, Mr. Walker raised the point of order that the time for consideration of resolutions had expired.

Sustained. (27th, p. 586.)

Half hour for resolutions may be extended.

Mr. Duncan offered a resolution during the consideration of which Mr. Camp raised the point of order that the time allotted for the consideration of resolutions had been consumed and that the resolution should go over until tomorrow.

Sustained.

Mr. Kennedy then moved that the time for consideration of resolutions be extended for thirty minutes, which motion prevailed. (30th, p. 137.)

RESOLUTIONS NOT IN ORDER.

A resolution containing an undue reflection on the House not in order.

To a sarcastic resolution criticising in a measure the House for not adjourning on Washington's birthday, Mr. Dean raised a point of order on the ground that it was an undue reflection upon this House and should not be considered.

Sustained. (30th, p. 622.)

Resolution to appoint a committee to secure information as to the benefits to be derived by the people by reason of the defeat of certain legislation held not in order.

Mr. Bryan, by unanimous consent, offered a resolution in the House May 8, 1907: Whereas, in that the House and Senate having refused to take up for consideration the two cent fare bill, and alleging that the defeat of the bill had been urged upon the ground that what the people most desired and needed was a reduction in freight rates for the benefit of the farmers and other toiling citizens, and assumed that these assurances were made in good faith; that the farmers and other citizens of the State were anxiously awaiting information as to the extent of the reduction to be made in view of the failure of the bill, and declaring that the people were entitled to know and the members of the Legislature were entitled to have the people know how much the Legislature saved the people in freight rates by defeating the bill. Said resolution proposed the appointment of a committee by the Speaker to interview the representatives of the various railroads and ascertain from them the amount of reduction to be

made in freight rates in view of the defeat of the bill, and to know when said reduced rates would be put into effect, and such other information of like import.

The Chair declared the resolution out of order. (30th, called, p. 261.)

RESOLUTIONS—PRIVILEGED.

A resolution fixing the date of sine die adjournment privileged.

During the consideration of a resolution fixing the date of a sine die adjournment, the time expired for which a special order was postponed (set aside) and the Chair was about to lay the special order before the House, when Mr. Robertson raised the point of order that the resolution to adjourn sine die is a question of the highest privilege and should take precedence over even a special order and that the same should now be the question before the House.

Sustained. (29th, p. 689.)

A resolution setting apart days on which the House shall accept the invitation of the Cattle Raisers' Association to be the guests of Fort Worth, was held to be a privileged resolution.

Resolution being considered, Mr. Mobley raised a point of order on consideration of same at this time on the ground that it is not a privileged motion.

Overruled. (31st, p. 1043.)

Held that the resolution providing for the temporary adjournment of the Legislature is privileged.

The House was considering a concurrent resolution by Mr. Kirby providing for the adjournment of the Legislature from February 25 until Monday, April 7, 1913, and Mr. Lewelling made the point of order that it was not a privileged matter.

Overruled. (33rd, p. 681.)

A resolution relating to a special message of the Governor and providing for the return of the message to the Governor with the compliments of the House, was held to be a privileged resolution.

Mr. Schluter raised a point of order on further consideration of the resolution at this time on the ground that it is not privileged.

Overruled.

REVENUE BILLS.

Speaker refuses to accept from the Senate a revenue or taxing bill.

A Senate bill having for its purpose the taxing of pool halls was laid before the House and read first time.

Mr. Terrell of Bexar made the point of order that it is a measure for the purpose of raising revenue and can not be received by the House from the Senate, and that the Chair should have it returned to the Senate with the suggestion that all bills for raising revenue must, under the Constitution, originate in the House of Representatives, and the House is therefore compelled to return it to the Senate.

The Speaker sustained the point of order and the Chief Clerk was instructed to return the bill to the Senate. (32nd, p. 864.)

Held that the bill creating a fund to pay the State Highway Engineer by charging a license fee for the registration of motor vehicles is not a revenue measure of such a character as to prevent its originating in the Senate.

The House was considering Senate bill No. 8, creating a State Highway Department and establishing a State Highway Engineer and prescribing the duties of each and fixing the compensation of the engineer, creating a fund by the license of motor vehicles, etc., when Mr. Broughton made a point of order on further consideration of the bill on the ground that it was a bill raising revenue and, under the provisions of the Constitution, should originate in the House of Representatives.

Overruled. (33rd, p. 1664.)

REGULAR ORDER—SUSPENSION OF.

The fact that the House has refused to suspend the regular order does not prevent the making of other motions to suspend the regular order of business.

A motion was made to suspend the regular order of business. Mr. Schluter raised a point of order on consideration of the motion to suspend, stating that, as the House had just twice refused to suspend the regular order, it was an indication that the House desired to take up the bills on the Speaker's table in the manner prescribed by the rules, and that further motions, at this time, to suspend were in their nature dilatory and should not be entertained.

Overruled. (28th, p. 678.)

Held that a member is entitled to make only one motion to suspend the regular order until each member desiring to make such a motion has had an opportunity to so do.

Mr. Bland moved to suspend the regular order of business, to take up and have placed on its second reading and passage to engrossment, House bill No. 677.

Mr. Canales raised a point of order on consideration of the motion at this time on the ground that Mr. Bland having heretofore during the session made a motion to suspend the regular order is not entitled to again move to suspend the regular order until each member of the House desiring to make such a motion has been recognized for that purpose.

The Speaker sustained the point of order. (35th Reg.)

An extension of time for the consideration of resolutions is not a suspension of the regular order.

Mr. Sullivan moved to suspend the rule limiting the time for consideration of resolutions and that the time be extended until the pending resolution has been disposed of.

Mr. Bagby raised a point of order on consideration of the motion to suspend, on the ground that such an extension of time is in effect a suspension of the regular order, which may not be done under the rules of the House except on suspension day.

The Speaker overruled the point of order, stating that the motion has the effect only of a temporary suspension of the rule limiting the time for the consideration of resolutions, and that Rule XXII permitted such a suspension by a two-thirds vote of the members present. (34th Reg.)

RULES—AMENDING THE.

Resolution relating to the filing of resolutions held an amendment to the rules.

Mr. Lane proposed a resolution providing that "all bills and joint resolutions shall first be filed with the Reading Clerk, who shall number, file and read the same in the order in which they are handed in."

Read second time, and Mr. Seabury raised the point of order that the resolution seeks to amend the rules of the House, and can not be entertained, under the rules, without one day's notice being given thereof.

The point of order was sustained and the resolution went over. (27th, p. 14.)

A resolution covering a subject already embraced in the rules or orders of the House is not in order.

Mr. Gray moved that the lobby be removed to the galleries and the desks so arranged as to reserve for the members the exclusive use of the Hall.

Mr. Napier raised the point of order that the resolution is unnecessary, since the rules, if enforced, cover the same subject.

Sustained by the Speaker, who stated that any member had the right to call for strict enforcement of the rules. (27th, p. 625.)

Resolution setting apart Friday of each week to consider revenue-raising bills an amendment to the rules.

Mr. Beaty offered a resolution setting apart Friday of each week for the consideration of revenue providing bills.

Mr. Seabury raised the point of order that the resolution seeks to amend the rules, and that as the proper notice had not been given, it should go over one day.

The Chair sustained the point of order, and the resolution went to the Speaker's table. (27th, p. 730.)

Invitation to a person to address House not an amendment to the rules.

Pending resolution to invite Governor Hogg to address the House, Mr. Grisham raised a point of order on further consideration of the resolution, stating that it is in the nature of an amendment to the rules and, therefore, should be referred to the Committee on Rules.

Overruled. (28th, p. 643.)

Amendment to the rules must be referred to the Committee on Rules.

A resolution declaring that it would not be in order for the Speaker to entertain a motion to extend the time of a member on the floor was pending.

Mr. Hamilton raised the point of order that the resolution, being a proposition to amend the rules, it should be referred without debate to the Committee on Rules.

The Chair sustained the point of order. (30th, p. 1286.)

RULES—COMMITTEE.

It is within the province of the Committee on Rules to propose a resolution to the House for its consideration.

Pending before the House was the report of the Committee on Rules, which proposed a resolution providing for the erec-

tion of a railing in the rear of the House, separating the lobby from the desks of members.

Question—Shall the resolution be adopted?

Mr. Duff raised a point of order on the consideration of the resolution and stated "that the matter covered by the resolution was not within the apparent jurisdiction of the committee, and that the resolution had not otherwise been moved in the House, nor referred to the committee; that the committee had no authority voluntarily to propose a resolution not pertaining to either the rules of the House, the joint rules, or the rules of order."

Overruled. (28th, p. 87.)

Held that a motion to suspend a rule of the House does not of necessity go to the Committee on Rules without debate.

A motion pending to suspend a rule of the House, Mr. Dotson raised a point of order on further consideration of the resolution at this time on the ground that the rules of the House require that resolutions proposing to amend the rules be referred to committee without debate.

Overruled. (32nd, p. 1273.)

RULE—SUSPENSION OF CONSTITUTIONAL.

Does not require four-fifths of all the members elected to the House to suspend the constitutional rule requiring bills to be read on three several days.

On the suspension of the constitutional rule requiring bills to be read on three several days, the vote was 99 to 1.

Mr. Mears raised a point of order on the announcement of the Chair, stating that Section 9 of Rule XIX requires that it shall take a four-fifths majority of all members elected to the House to suspend the constitutional rule and place a bill on another reading, and that 107 is a four-fifths majority of this House; therefore the motion has failed.

The Speaker overruled the point of order.

Mr. Brown of Wharton appealed from the ruling of the Chair.

The House sustained the ruling of the Chair.

The following authorities were submitted to support the ruling of the Speaker:

Cooley on Constitutional Limitations, 7 ed., p. 201.

State vs. McBride, 4 Mo., 303.

Fellson vs. Meehan, 21 La. Ann., p. 79.

Zila vs. Central Railway, 84 Mo., 304, 34 L. R. A., 469;

Amer. Enc. of Law, Vol. 15, p. 772.

Day vs. State, 68 Texas, 544.

William Green vs. Miller, 32 Miss., 650.

Southworth vs. Railway, 2 Mich., 287.

State vs. McBride, 29 Amer. Dec., 636-6.

These authorities sustain the contention that a four-fifths vote means of those present, a quorum being present, and not four-fifths of the total membership of the House. (30th, p. 1388.)

The rules having been suspended to take up a bill, it must be disposed of before another bill can be taken up.

The House had suspended the rules to take up for consideration House bill No. 5, and, while the House was considering the bill, Mr. Moore moved to suspend the rules and take up House bill No. 96.

Mr. Briggs raised a point of order on consideration of the motion to suspend on the ground that it is not in order to entertain a motion to suspend the pending business until the matter before the House, which is House bill No. 5, on its second reading, and which was taken up under a motion to suspend the regular order of business, is disposed of.

Sustained. (30th, called, p. 273.)

To suspend the constitutional rule requiring bills to be read on three several days requires vote of four-fifths of the members present, a quorum being present.

Mr. Cope moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that House bill No. 8 be placed on its third reading and final passage. The motion prevailed by the following vote: Yeas 103, nays 21.

Mr. Bryan raised a point of order on further consideration of the bill at this time on the ground that four-fifths of the members of the House did not vote for the suspension of the constitutional rule requiring bills to be read on three several days.

The Speaker overruled the point of order. (4th C. S., 35th Leg.) (The Speaker held in this case, as has been held in many others, that the vote necessary to suspend the constitutional rule mentioned was four-fifths of those voting, a quorum being present.) (35th, 4th C. S.)

SENATE BILL DAY.

Only Senate bills can be considered on those dates.

Mr. Lane raised the point of order that it is not proper to take up and consider a House bill today, since the two houses

had passed a concurrent resolution setting apart certain days for consideration of bills coming from the other house until such bills are disposed of.

Mr. Shropshire also raised the point of order—

1. That the rules provide that local bills be considered on Saturdays.

2. That a concurrent resolution adopted by both houses has set apart Wednesdays and Thursdays for the consideration of bills coming from the opposite house, and that it would not be proper, without consent of the Senate, to consider House bills on these days as long as there are Senate bills in the House not disposed of.

The Speaker held that the first point of order was not well taken, but sustained the second and that raised by Mr. Lane. (26th, p. 836.)

Senate bills have right of way on Senate bill day.

A House bill was being considered on Senate bill day.

Mr. Crockett of Mitchell raised a point of order on further consideration of the bill at this time, for the reason that today being set apart under the rules of the House for the consideration of Senate bills, it is not in order to consider this bill at this time.

Sustained. (31st, p. 706.)

SPEAKER—MAY VOTE WHEN.

Under Section 6, Rule 1, the Speaker is not required to vote except where his vote would be decisive or where the House is voting by ballot, and in case of a tie vote the question shall be lost.

Challenge of Speaker's right to vote overruled.

The Speaker announced that the vote stood 57 yeas and 56 nays, that the Chair would vote nay, and declared the resolution lost.

Mr. Brownlee made the point of order that the vote was not a tie, and the Speaker cast his vote against the resolution after the result had been announced.

The Speaker overruled the point of order. (32nd, p. 279.)

SPECIAL ORDERS.

A special order having been made and undisposed of precludes the making of another special order until that one is disposed of.

Mr. Kennedy of Limestone raised the point of order that

the motion was out of order for the reason that there is a special order now pending in the House, same being House bill No. 173, and that no other special order can be made until same is disposed of.

Sustained. (27th, p. 358.) .

Must be considered from day to day and can not be postponed.

A bill having been taken up as a special order, Mr. Heslep moved to postpone further consideration until Monday.

Mr. Satterwhite raised the point of order that the bill had been taken up this morning as a special order and must be considered from day to day until disposed of.

Sustained. (27th, p. 403.)

Special orders have the right of way:

The Speaker laid before the House, as unfinished business from yesterday, same being a special order, Substitute House bill No. 183.

Mr. Cobbs raised a point of order on consideration of the bill today, stating that, this being Senate bill day, under the rules, the bill should go over until tomorrow, unless taken up under suspension of the regular order, under the rule making the last six days of the session suspension days.

Overruled. (28th, p. 1010.)

The House having refused to suspend the regular order of business to take up House bill No. 218, Mr. Rosser Thomas moved to make it a special order for next Wednesday.

Mr. Dean raised a point of order on consideration of the motion, on the ground that the bill is not on the Speaker's table.

Overruled. (29th, p. 1056.)

Mr. Canales raised a point of order on further consideration of the bill at this time and stated that the hour set apart for taking up the special order had arrived, and that the House should proceed at once with its consideration.

Sustained. (30th, called, p. 62.)

Held that House bills pending on special orders can not be considered on Senate bill day unless all Senate bills have been disposed of.

On April 30th, on motion of Mr. Canales, the House, by a vote of 71 to 27, ordered that House bill No. 67 be made a special order to be taken up and placed on its second reading and passage to engrossment tomorrow, Wednesday, May 1, at 9:30 a. m. When that hour arrived, Senate bill No. 4 was pending before the House.

Mr. Terrell of McLennan raised a point of order on consideration of the bill at this time on the ground that House bill No. 67 had been set as a special order for this hour, and that the Speaker should lay said bill before the House.

The Chair held that, this being Senate bill day, Senate bills take precedence over other matters until disposed of. (30th, called, p. 150.)

Can not postpone special order.

The House had under consideration House Joint Resolution No. 13 as a special order, whereupon Mr. Nichols of Hill moved to postpone further consideration until 2 o'clock p. m., Wednesday, March 21, which motion was held out of order. Mr. Nichols appealed from the ruling of the Chair, and the Chair was sustained by a vote of 94 yeas to 13 nays. (32nd, p. —.)

Platform recommendation can be made special order.

Held that the rule providing that platform demands shall have precedence according to their number does not preclude the setting as a special order of a platform demand or recommendation. (33rd, p. 902.)

Bill, resolution or other measure may be set as a special order for the same day on which the motion is made.

Mr. Darroch moved that House bill No. 46 be set as a special order for 3:45 o'clock p. m. today.

Mr. Horton raised a point of order on consideration of the motion on the ground that under the rules of the House a special order can only be set for a future day of the session.

The Speaker overruled the point of order. (37th, Reg.)

A special order cannot be postponed.

Mr. Crumpton moved that further consideration of the bill (House bill No. 112) be postponed until 11 o'clock a. m. next Friday.

Mr. Miller of Dallas raised a point of order on consideration of the motion to postpone on the ground that under the rules of the House it is not in order to postpone a special order.

The Speaker sustained the point of order. (36th, Reg.)

SUBJECTS OF LEGISLATION (CALLED SESSIONS).

When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those

designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days. (Sec. 40, Art. 3, Constitution.)

The proclamation of the Governor and the journals of the two houses are not competent evidence to show that an act passed at a special session of the Legislature is invalid because its subject matter was not embraced in the proclamation. *County of Presidio vs. National Bank*, 20 C. A., 511; 44 S. W., 1069.

The courts will not go into an investigation to determine whether as a matter of fact the Legislaure, at a called session, enacted legislation not embraced in the messages of the Governor. *State vs. Larkin*, 41 C. A., 264; 90 S. W., 912.

Proclamation of the Governor "to reduce the taxes, both ad valorem and occupation, so far as it may be found consistent with the support of an efficient State government," embraced the whole subject of taxation, and authorized an act levying an occupation tax upon persons engaged in the sale of the Police Gazette, etc. *Baldwin vs. State*, 21 Cr. App., 593; 3 S. W., 109.

It was not the intention of this section to require the Governor to define with precision as to detail the subjects of legislation, but only in a general way, by his call, to confine the business to the particular subjects. *Brown vs. State*, 32 Cr. App., 133; 22 S. W., 601; *Long vs. State*, 58 Cr. App., 209; 127 S. W., 208.

It is not necessary nor proper for the Governor to suggest in detail the legislation desired. It is for the Legislature to determine what the legislation shall be. *Brown vs. State*, 32 Cr. App., 133; 22 S. W., 601.

Proclamation authorizing the reapportionment of the judicial districts of the entire State, by implication, authorizes the reapportionment of any number of such districts. *Brown vs. State*, 32 Cr. App., 133; 22 S. W., 601.

This section of the Constitution does not require the proclamation of the Governor to define the character or scope of legislation, but only in a general way to present the subjects for legislation. *Long vs. State*, 58 Cr. App., 209; 127 S. W., 208.

The call of the Governor to enact laws * * * amending and changing the existing laws governing court procedure, etc., authorized the act changing the terms of the criminal district courts of Galveston and Harris counties. *Long*

vs. State, 58 Cr. App., 209; 127 S. W., 208; Brown vs. State, 32 Cr. App., 119.

In the absence of a constitutional provision limiting the same, the jurisdiction of the Legislature, when confined in the special session, is as broad as at a regular session and this section of the Constitution constitutes an exception to the general rule, and is a limitation of the general power of the Legislature. And where such limitation is thus imposed upon the general power of the Legislature, it should be strictly construed, and should not be given effect as against such general power, unless the act in question is clearly inhibited by such limitation. Long vs. State, 58 Cr. App., 209; 127 S. W., 208; Brown vs. State, 32 Cr. App., 119.

This section requires that the subjects for legislation be presented to the Legislature by the Governor in writing. Casino vs. State, 34 S. W., 769.

The courts will take judicial knowledge of the proclamations, messages and public communications of the Governor to the Legislature. Casino vs. State, 34 S. W., 769.

This section is mandatory and requires that legislation at a called session be confined to subjects presented to the Legislature by the Governor. Casino vs. State, 34 S. W., 769.

The approval by the Governor of an act not within the scope of his call does not give such act vitality. Casino vs. State, 34 S. W., 769.

Proclamation of the Governor "to enact adequate laws simplifying the procedure in both civil and criminal trials in the courts of this State," etc., embraces and authorizes Act of May 14, 1907, relating to contests of local option elections. Such proceedings is a "civil trial." Stockard vs. Reid, 121 S. W., 1144.

Under this section, the Legislature cannot, at a special session, investigate matters not included in the Governor's call, or investigate a matter upon which it could not legislate under the call. See ex parte Wolters, 144 S. W., 531.

This section does not preclude the appointment, at a special session of the Legislature, of an investigating committee to obtain information for future use, even on a subject not submitted by the Governor. Ex parte Wolters, 144 S. W., 531.

Message of Governor at special session asking for increase of appropriation for the offering of rewards and enforcement of the law was not broad enough to include the subject of irregularities and violations of law at a recent election so as to authorize the Legislature to investigate such subject, though the Governor in his message mentioned his offer of rewards

for the arrest and conviction of offenders at such elections. See *ex parte Wolters*, 144 S. W., 531.

Legislature is without authority to propose amendments to the Constitution at a special session.

Mr. Tillotson raised a point of order on further consideration of House Joint Resolution No. 1 on the ground that the Legislature is without authority to propose amendments to the Constitution at a special session.

The Speaker sustained the point of order.

(For a full discussion of this point see page 403 of the Journal of the First Called Session, Thirty-fifth Legislature.)

QUESTION OF PRIVILEGE.

A member cannot abuse the Speaker under a plea of personal privilege.

Mr. Onion obtained the floor and stated that he desired to speak to a question of personal privilege.

While he was proceeding with his statement, Mr. Duff rose to a point of order and stated that the gentleman from Bexar (Mr. Onion), under the guise of personal privilege, was simply criticising the Speaker of the House, and should not be allowed to proceed.

The Chair (Mr. Schluter) overruled the point of order, and in so doing stated that he had not listened attentively to the trend of the gentleman's remarks, and was not therefore prepared to pass upon the propriety or impropriety of same.

Mr. Onion then proceeded with his statement and, continuing further, Mr. Standifer raised a point of order and stated that the gentleman from Bexar (Mr. Onion) instead of speaking to a question of personal privilege, was denouncing the Speaker of the House for the failure of a certain bill in the House, and that the gentleman from Bexar should not be allowed to proceed unless he confined himself to a question of privilege.

The Chair sustained the point of order, and the incident closed. (28th, p. 1206.)

The House has the right to arraign the author of a newspaper article reflecting unjustly on the membership.

Mr. Terrell of Travis offered the following resolution as a substitute for the motion of Mr. O'Quinn:

Resolved, That the staff correspondent of the Beaumont Journal, who is now present, and who avows himself the

author of an article which reflects unjustly on the membership of this body, be arraigned by the Sergeant-at-Arms, and required at the bar of the House to purge himself of the contempt manifest in such article.

Mr. Mays raised a point of order on consideration of the motion and the pending substitute, stating that the House is entirely without jurisdiction in the matter, and that both should be out of order.

Overruled. (28th, called, p. 39.)

QUORUM.

Can only adjourn from day to day with less than a quorum.

During a call of the House to secure a quorum, a motion was made to adjourn from Friday until Monday.

Mr. Glenn raised a point of order on the motion to adjourn until next Monday on the ground that to adjourn until next Monday would be violative of Section 10 of Article III of the State Constitution, which reads:

Section 10. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members.

The Speaker did not sustain the point of order, but the House refused to adjourn except until the next day. (29th, called, p. 12.)

Mr. McKinney moved that the House adjourn until 2 o'clock p. m. next Monday, and, there being no quorum present, Mr. Hamilton raised the point of order on the motion to adjourn until next Monday, stating that there being no quorum of the House present, the House could only adjourn from day to day, quoting Section 10 of Article III of the State Constitution.

Sustained. (30th, p. 320.)

When there is less than a quorum present, it is in order for the House to take the necessary steps to compel the attendance of the absent members.

There being no quorum present, Mr. Baker moved that the Clerk furnish the Sergeant-at-Arms with the names of members absent without leave, and that the Sergeant-at-Arms be directed to bring enough of the members to make a quorum.

Mr. McKenzie raised a point of order on the motion, stating that it was not competent to transact business without a quorum present.

Overruled. (30th, p. 1176.)

VOTING.

The Speaker is not required to vote except where his vote would be decisive. But a member called temporarily to the chair may vote.

When the Clerk announced that the vote was a tie, and Mr. Smith of Grayson, in the chair, not having voted, directed the Clerk to record him as voting "nay," Mr. Bailey raised the point of order that a member of the House called to the chair temporarily by the Speaker did not have the right, under the rules, to cast the deciding vote when the Speaker-elect is present on the floor.

The Chair held the point of order not well taken. (26th, p. 1441.)

VOTING—VERIFICATION OF.

There is no rule or provision providing for a recapitulation or a verification of a yea and nay vote.

A member may not, as a matter of right, demand a recapitulation or a verification of a yea and nay vote, but if the vote be close the practice in Congress and in the House has been for the Speaker to order it.

When the verification of a yea and nay vote has been demanded, no member has a right to have his vote recapitulated unless he actually voted; and no member can change his vote.

Under no sort of a circumstance should a member be permitted to change his vote after the result has been announced. To do this would establish a dangerous precedent that might lead not only to confusion, but which would open the door to fraud.

After the vote is announced and a verification of the vote is pending it is too late for a member to vote.

Pending the verification of a vote, several members came into the hall who were absent when the roll was called, and Mr. Terrell of Cherokee rose to a point of order, stating the fact, naming the members, and requested that they be allowed to vote after having the question stated to them by the Chair.

The Chair overruled the point of order, stating that the result having been announced and a verification demanded, no change could be made except to correct an error where a member had been wrongly recorded when his name was called. (30th, called, p. 271.)

Verification in order only when there is a probability of the result of the vote being changed by such verification.

During the First Called Session of the Thirty-third Legislature the result of a roll call having been announced, yeas 37, nays 66, Mr. Tarver called for a verification of the vote.

Mr. Terrell raised a point of order on the demand for a verification of the vote, on the ground that the rules do not give a member a right to make such a demand, unless there is a probability that such verification would change the result of the vote.

The point of order was sustained. (33d, first called, p. 360.)

PROGRESS OF A HOUSE BILL.

1. INTRODUCTION.

Bills may be filed with the Chief Clerk or offered from the floor. In either event they are numbered and are then read by the Reading Clerk. This is called the first reading (which is by caption only), and the only action that can be taken at this stage is to refer it to the proper committee.

2. REFERENCE TO A COMMITTEE.

The Speaker refers a bill, after its first reading, to the Committee to which, in his judgment, it should go under the rules. But sometimes, if there is no objection, the author of the bill has it referred to a committee of which he is chairman or a member or thinks most favorable to the measure.

3. REPORTED FROM THE COMMITTEE.

Committees may report any time by filing their reports with the Chief Clerk. The formal committee reports are printed in the Journal. Committees must report all bills within six days, unless the House consents to further consideration.

4. WHEN PRINTED.

All bills with a favorable report are printed, unless otherwise ordered.

5. PLACED ON THE CALENDAR.

When a bill has been favorably reported and printed (or ordered not printed after a favorable report), it is automatically on the calendar. Likewise a bill with an unfavorable report goes on the calendar if ordered printed by the House.

6. CONSIDERATION.

General bills that are on the calendar come up for consideration in their numerical order unless (a) taken up on suspension days, (b) by unanimous consent, or (c) made special order. Local bills are considered in their regular order Wednesdays and Thursdays after 4:30 o'clock p. m., or may be taken up on suspension days or made special orders, or by unanimous consent.

7. THE SECOND READING.

The first consideration that a bill is given in the House is at its second reading—i. e., when it is on its passage to engrossment. When a bill is placed before the House for its second reading it should be, and usually is, read in full. After the bill has been read it is subject to debate and amendment under the rules of the House. If a bill fails of passage to engrossment it is defeated and can only be revived on a motion to reconsider made by the proper person and within the proper time and adopted by the House. A bill having been “engrossed” by the House is sent to the Engrossing Clerk, where it is rewritten with all amendments properly inserted. The Committee on Engrossed Bills, after comparing the engrossed copy with the original bill and amendments and finding it correctly engrossed, so report to the House. It then comes before the House on its third reading and final passage. The Committee on Engrossed Bills has the authority to correct apparent errors, and especially so with reference to style, orthography and punctuation.

8. THIRD READING.

When a bill has been read a third time it is on its “final passage.” All bills must be read on three several days except those carrying an emergency clause, when, by a four-fifths vote of those present, this constitutional rule may be suspended. (See Rule 18, Sec. 9.) A bill may be debated on its third reading and amended by a two-thirds vote. A majority vote of those present and voting, a quorum being present, is sufficient to “pass a bill” on final passage, but it requires a two-thirds vote of the entire House to put it into immediate effect, and only then when it has a proper emergency clause.

9. TRANSMISSION TO THE SENATE.

After a bill has finally passed the House, the Chief Clerk transmits it to the Senate. The bill is accompanied by a written message, signed by the Chief Clerk in his official capacity. If the bill has been amended on its final passage, the Clerk indicates it by stating that the bill has passed with an “engrossed rider.”

10. IN THE SENATE.

House bills, when received in the Senate, are read, and referred to the proper committee by the President

of the Senate. When reported from the committee, substantially the same procedure is had as in the House. It may be amended as the Senate sees fit.

11. RETURN OF A BILL TO THE HOUSE.

When a House bill has finally passed the Senate, the Secretary of the Senate by message informs the House. If the bill has been amended the message adds "with accompanying Senate amendments." If there are no Senate amendments, the bill is sent to the Enrolling Clerk, where it is enrolled and is not again laid before the House until it is to be signed.

12. HOUSE BILLS WITH SENATE AMENDMENTS.

House bills that have been amended in the Senate, when received from the Senate, go to the Speaker's table. These are considered as privileged and are usually called up by the author of the bill or the member having it in charge. The Senate amendments should be read and may be considered as a whole or separately. The House may agree or disagree to all of them or a part of them or may amend the Senate amendments. The Senate is notified by the Chief Clerk of the decision of the House, whatever it may be. If the House has agreed to a part of the amendments and disagreed to the others, the Senate may recede from the objectionable amendments. This would end the matter and receiving this information, the House would enroll the bill. If the House amends the Senate amendments, the Senate could agree to the House amendment to the Senate amendments, and that would also end the matter. Should the Senate adhere to its position, the bill would fail, unless the House agreed to the Senate amendments or the differences were settled in conference.

13. IN CONFERENCE COMMITTEE.

Where no agreement can be reached, the usual course is to refer the bill to a Conference Committee. In this the House takes the initiative. This is done by a simple motion "to disagree to Senate amendments to House bill No.—and ask for a Conference Committee." If agreed to, this action is reported to the Senate, and if the Senate agrees to the appointment of the committee, the bill with Senate amendments goes to the Conference Committee.

14. SETTLEMENT OF DIFFERENCES.

Having been appointed, the Conference Committee convenes and proceeds to consider the differences between the two houses. Unless the text of the bill has been changed by the Senate, only such matters as are in disagreement can be considered by the committee, and it has no authority to bring in a new bill without instructions by both houses so to do. If the House has adopted part of the Senate amendments before the appointment of the committee, those agreed to become a part of the bill and can not be considered by the conference. The conference having agreed, the report is made to each house, and if agreed to by both houses the bill is sent to the enrolling room.

15. ENROLLMENT.

House bills are enrolled with a typewriter, but no erasures or interlineations are permitted. Where corrections are necessary they can only be made by a joint resolution directing the Enrolling Clerk to make them.

16. EXAMINATION BY THE COMMITTEE ON ENROLLED BILLS.

If this committee finds that the bill has been correctly enrolled, the chairman makes a report to that effect, which is printed in the Journal.

17. SIGNING BY THE SPEAKER AND PRESIDENT OF THE SENATE.

The enrolled bill is first read by caption to the House, after which it is signed by the Speaker. The chairman or some member of the Committee on Enrolled Bills then takes it to the Senate, where, after it has been read by caption to the Senate, it is signed by the President of the Senate.

18. TRANSMITTAL TO THE GOVERNOR.

After the bill has been signed by the Speaker of the House and the President of the Senate, the chairman of the Committee on Enrolled Bills, or some member acting for him, carries the bill to the Governor and delivers it to him or his private secretary. This action is reported to the House and is included in the report made to the House that the bill has been properly enrolled.

19. APPROVED BY THE GOVERNOR.

If the Governor disapproves the bill he must do so within ten days, exclusive of Sundays, after it has been delivered to him, unless the date of the delivery was within ten days of the final adjournment of the House. In that event, he has twenty days, including Sundays, to sign the bill or disapprove it. If he disapproves the bill after the session has adjourned, he files it with the Secretary of State, together with his reasons for disapproving it. If he disapproves a bill while the Legislature is in session, he must refer it to the House in which it originated with a message stating that he disapproves the bill and giving his reasons therefor. A bill not signed or disapproved by the Governor within the time prescribed becomes a law automatically.

21. ACTION ON A BILL VETOED BY THE GOVERNOR.

When the House receives a bill disapproved by the Governor, the message is read and spread on the Journal. The House may consider the question of passing the bill, notwithstanding the Governor's objections at once, or may postpone action to a day certain, or refer the bill and message to a committee. The vote for passing the bill notwithstanding the Governor's objections must be carried by two-thirds of those present, whether all of them vote or not. If the bill fails to pass notwithstanding the Governor's veto, it "dies," and no further action can be taken unless upon a reconsideration. If the bill receives a two-thirds vote of those present, it is sent to the Senate, accompanied by a proper certificate from the Speaker and Chief Clerk that it passed the House notwithstanding the Governor's objections.

22. ACTION IN THE SENATE.

When a bill which has been vetoed by the Governor and passed by the House has been received in the Senate, the Senate may consider it at once, or may postpone it to a day certain, or may refer it to a committee. It requires a two-thirds vote in the Senate of those present to pass a bill over the Governor's objections. If passed by the Senate notwithstanding the Governor's objection, the Secretary of the Senate, after the proper endorsement has been made, under the direction of the President of the Senate, transmits the bill to the Secretary of State and should receive his receipt therefor, which should be printed in the Senate Journal.

RULES OF THE SENATE.

QUORUM.

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn (or recess) from day to day, and compel the attendance of absent members. (Constitution, Art. III, Sec. 10.)

2. In case a less number shall convene, the members present may send the Sergeant-at-Arms, or any other person or persons, for any or all absent members.

ABSENTEES.

3. No member shall absent himself from the sessions of the Senate without leave unless he be sick or unable to attend.

4. A call of the Senate may be demanded by five members, and if there be any absent the names of the absentees shall be called again. If they do not answer, the Sergeant-at-Arms or a special messenger may be sent for them, and the question pending shall be, without a motion, laid on the table until the absentees appear or the call be suspended.

Under this rule, five Senators can move a call of the Senate and force absentees that may be found to appear in the Senate Chamber, but a ruling by Lieutenant Governor A. B. Davidson, page 476, Journal Regular Session Thirtieth Senate, and an opinion by Attorney General R. V. Davidson, page 515, Journal Thirtieth Senate, hold as void and unconstitutional that part of Rule 4, which reads "and the question pending shall be, without a motion, laid on the table until the absentees appear or the call be suspended." Under the above ruling and opinion, it has been the practice of the Senate to proceed regularly with business, even though under call, provided a quorum is present.

OFFICERS OF THE SENATE.

5. The Lieutenant Governor of the State shall, by virtue of his office, be President of the Senate (Constitution, Art. IV, Sec. 16); decide all questions of order, subject to appeal by any member; have direction and control of all committee clerks and employes of the Senate and assign them to their duties. He shall have control of such parts of the Capitol as have been, or may be, set apart for the use of the Senate and its officers. He shall have the right to name a member to

perform the duties of the Chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another member in the place of the member so called to the chair by the Lieutenant Governor, and a motion shall be in order at any time such substitute is presiding to elect another member to preside, and, if a majority of the Senators present so vote, the member called to the chair by the Lieutenant Governor or by the President Pro Tempore of the Senate shall vacate the chair, and the member elected by a majority shall preside until the Lieutenant Governor or President Pro Tempore shall take the gavel and preside.

In the practice in Congress the Speaker may require that a question of order be presented in writing. He is not required to decide a question not directly presented by the proceedings. Debate being for his information, is within his discretion. Questions arising during a division are decided peremptorily, and, when they arise out of any other question, must be decided before that question. He does not decide on the legislative effect of propositions, or on the consistency of proposed action with other acts of the House, or on the constitutional powers of the House, or on the propriety or expediency of a proposed course of action.

The President may submit a point of order relating to the constitutionality of a proposition, or any other point of order on which he does not wish to rule, direct to the Senate for its decision.

The right of appeal cannot be taken away from the Senate; but appeals may not be entertained from a response to parliamentary inquiries, or on decisions as to dilatory motions. Appeals on questions as to the priority of business must be decided without debate.

A member called to the chair pending an appeal cannot entertain or decide any other point of order until the appeal has first been determined by the Senate, and no business whatever shall be transacted pending the appeal except the privileged motions: to adjourn, or recess, the previous question and call of the Senate.

While an appeal is pending it is not in order to appeal from the ruling of a Senator called to the chair pending the decision of the appeal.

6. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President Pro Tempore, who shall perform the duties of Lieutenant Governor in any case of absence or disability of that officer and whenever the said office of Lieutenant Governor shall be vacant. (Constitution, Art. III, Sec. 9.)

6a. If any Senator other than the regularly elected President Pro Tempore be presiding and fails or refuses to recognize any Senator to make a motion that is in order, or to raise a point of order that it is in order to raise, or fails or refuses

to entertain an appeal from his decision, or to put such question to the Senate, or fails to recognize any Senator to demand that a point of order under discussion be immediately decided, or fails to put the question, if seconded by ten Senators, "Shall the point of order be now decided?" such Senator so offending shall be deemed guilty of violating the high privileges of the Senate and the members thereof, and shall be in contempt of the Senate, and until such offending Senator shall purge himself of such contempt and be excused by the Senate, he shall not again be called to the chair during the session. If such Senator so presiding shall refuse to recognize any Senator when addressed in proper order, or to entertain the motion, point of order, or appeal of any Senator, or to pass upon the same, or to recognize a Senator to make the demand when seconded by ten Senators that a point of order under discussion be immediately decided, then the Senator seeking recognition may rise in his seat, and without recognition, read a written demand upon the Senator presiding, provided the same is signed by a majority of the Senators present, and if the Senator presiding persists in his refusal, then any number of Senators constituting a majority of the Senators present may present such written demand to the Sergeant-at-Arms, or the Assistant Sergeant-at-Arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer, or either of them, to arrest said Senator so presiding and eject him from the chair, and retain him under arrest until he shall be released by order of the Senate.

Should the Sergeant-at-Arms or the Assistant Sergeant-at-Arms fail or refuse to act and carry out such demand, they shall be removed from office on a majority vote of the Senate.

When such Senator is removed as aforesaid and the chair remains vacant, the Secretary shall call the Senate to order, and a President Pro Tempore Ad Interim shall be elected to preside until the Lieutenant Governor or a regularly elected President Pro Tempore shall appear and take the gavel.

As soon as order is restored the Chair shall cause a record of the fact of removal to be made.

7. A Secretary, Assistant Secretary, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Engrossing Clerk, Enrolling Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, Chaplain and such other officers as a majority vote may determine to be necessary, shall be elected at the opening of the session of the Legislature to continue in office until discharged by the Senate, who shall

perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate.

OPEN DOORS.

8. The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Art. III, Sec. 16.)

ORDER OF BUSINESS.

9. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

10. The names of the Senators shall be called alphabetically; should a quorum not be in attendance, a majority of those present shall be authorized to send the Sergeant-at-Arms, or a special messenger, for the absentees; when there is a quorum present the Journal of the preceding day shall be read and corrected, if necessary. (Constitution, Art. III, Sec. 10.)

Article III, Section 10 of the Constitution applies only to the right of the majority of the Senators present, when there is a lack of a quorum, to send out and enforce the attendance of absentees.

The reading and correction of the Journal is a Senate rule, and no Senator has the constitutional right to have the Journal read, but the enforcement of this rule may be demanded. A suspension of this rule will avoid the reading of the Journal, but a motion to suspend or postpone the reading of the Journal would not be in order, except as a change in the order of business.

11. The President shall then call:

- (1) For petitions and memorials.
- (2) For reports from standing committees.
- (3) For reports from select committees.

(4) For bills and resolutions, which shall conclude the morning call (except on House bill days as provided in paragraph 5 following), and which the President shall announce to the Senate.

(5) On Wednesday and Thursday of each week only House bills on their third and second reading, respectively, shall be taken up and considered until disposed of; and in case one should be pending at adjournment on Thursday, it shall go over until the succeeding day, Friday, until disposed of, and it shall require four-fifths of the Senators present to suspend this rule, which shall, on these days, conclude the morning call, which the President shall announce to the Senate.

This rule does not mean that House bills can be considered only

on Wednesdays and Thursdays, but means that nothing but House bills can be considered on these days unless this rule is suspended by a four-fifths vote. On any day, after the morning call, bills on the President's table should be considered in the following order until disposed of:

House bills on third reading.

Senate bills on third reading.

House bills on second reading.

Senate bills on second reading.

The memorandum of bills on the President's table is what is usually termed the "Calendar" and is an aid in following the "order of business."

(6) For the special order.

(7) For unfinished business.

(8) For business on the President's table, which shall be disposed of in the following order:

(1) Simple resolutions.

(2) Messages and executive communications.

(3) House bills on third reading.

(4) Senate bills on third reading.

(5) House bills on second reading.

(6) Senate bills on second reading.

Senate bills and resolutions with House amendments may be called up at any time as privileged questions.

12. A special order shall be considered at a time for which it is set and considered from day to day until disposed of unless at the time so fixed there is pending business under a special order, but such business may be suspended by a majority vote of all the members present in order to consider a special order. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order, provided that any special order shall be subject to Rule 64, providing that the order of business may be postponed or changed by two-thirds vote of all members present.

DECORUM AND DEBATE.

13. When a Senator is about to speak in debate or to communicate any matter to the Senate, he shall rise in his place and address the President.

14. When two or more members rise at once, the presiding officer shall decide which one shall speak first, but from his decision an appeal without debate may be taken to the Senate by any member.

When a certain bill is before the Senate the President should first recognize, for motions for its disposition, the member who repre-

sents the committee or the person who has charge of the bill. Usually the chairman of the committee has charge of the bill, unless he yields to the author or the chairman is opposed to the bill, and he is entitled at all stages to prior recognition for motions that are in order which are intended to expedite the passage of the bill. Where a proposition is brought directly before the Senate, the mover is entitled to prior recognition for motions and debate.

It is not in order for any member, by offering a debatable motion of higher privilege than the pending motion to take a member off the floor, but when the mover of the pending motion has yielded the floor a motion of a higher privilege may be made. The fact that a member has the floor on one matter does not entitle him to prior recognition. When an essential motion made by a member in charge of the bill is defeated, his prior right to recognition passes to the member leading the opposition to the motion. But the mere defeat of an amendment proposed by the member in charge does not cause recognition to pass to the opponent.

In recognition for general debate, the rule is to alternate between those favoring and those opposing a measure.

It is a general parliamentary rule that there must be something before the Senate before a member may proceed in debate, and this something must be a definite debatable proposition, and may be required to be in writing. A withdrawal of the proposition prohibits further debate on the same. But sometimes, when a report, or a message from the Governor, for instance, has been before the Senate, it has been debated upon before any specific motion was made in relation thereto. Before debate begins, the motion or proposition must be stated by the President or read by the Secretary.

A member who desires to speak should address the Chair, and, having obtained recognition, may proceed if he does so in an orderly and parliamentary way—i. e., avoiding personalities—until he has finished.

The rule which should be adhered to is that, when speaking, a member must confine himself to the subject under debate. In discussing an amendment, the debate must be confined to the amendment and not include the general merits of the bill or other proposition unless it be an amendment to strike out the enacting clause.

15. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate.

16. When a member shall be called to order by the President, or by a Senator, he shall sit down and not be allowed to speak, except to the point of order, until the question of order be decided. If the decision be in his favor he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

It is the custom to warn a Senator that he must be in order, or he will be taken off the floor, and then if he persists in violation

of the rules or fails to proceed in order, the President requests that the Senator be seated, and orders the Sergeant-at-Arms to seat the Senator if he fails to heed the request.

17. If a member be called to order for using exceptional words, they shall immediately be taken down in writing that the President may be better enabled to judge them.

18. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate.

19. While the President is putting the question or addressing the Senate he shall not be interrupted.

20. While a member has the floor no member shall interrupt him or otherwise interrupt the business of the Senate except for the purpose of making a point of order, calling him to order, or for the purpose of moving the previous question, or for the purpose of demanding that a point of order under discussion or consideration be immediately decided; and any member shall, though another member has the floor, be recognized by the presiding officer, and be in order to call to order the member, to make a point of order, or to move the previous question, or to demand that a point of order be immediately decided.

A member having the floor may not be taken off his feet by an ordinary motion, even the highly privileged motion to adjourn, unless he shall yield for that purpose. It is the custom of the President to request a member to yield for a message. A member may yield the floor for a motion to adjourn without losing his right to continue when the subject is again continued. A member may also resume his seat while a paper is being read in his time without losing his right to the floor. A member who, having the floor, moves the previous question, may be permitted to resume the floor on withdrawing the motion. But a member may not yield to another member to offer an amendment without losing the floor. A member desiring to interrupt another member in debate should address the Chair for permission of the member speaking, but the latter may exercise his own discretion as to whether or not he will yield.

21. When a question is under consideration by the Senate no motion shall be made except—

(1) To fix the day to which the Senate shall adjourn or recess.

(2) To adjourn or recess.

(3) To proceed to the transaction of executive business.

(4) The previous question.

(5) To postpone to a certain time.

- (6) To amend.
- (7) To commit with instruction.
- (8) To commit without instructions.
- (9) To lay on the table.
- (10) To postpone indefinitely.

Which several motions have precedence in the order in which they are arranged. All amendments tending to perfect a bill shall have precedence of a motion to strike out the enacting clause.

A motion to refer is equivalent to a motion to commit, and a motion to refer to a standing committee has precedence of a motion to refer to a select committee. (See Rule 51.)

There are several kinds of motions to amend which motions have precedence in the order named below:

1. (Committee) amendments and amendments by the author or Senator in charge of the bill offered from the floor to the body of the bill.
2. Other amendments offered from the floor to the body of the bill.
3. Amendments to the caption of the bill.
4. Amendments to strike out the enacting clause of a bill.

If a bill is considered section by section, an amendment is not in order except to the section under consideration. After all of the sections have been considered separately, the whole bill is open for amendment.

The motion to lay on the table is used as a final, adverse disposition of a matter without debate. It may not be amended or applied to the motions for the previous question, to suspend the rules, or to any motion relating to the order of business, except the motion to discharge a committee. The general trend of rulings in Congress indicate that the secondary or privileged motions for the disposal of a matter should not be laid on the table. The motion to table may be repeated after intervening business, but the "intervening business" must be such as to carry the question to a new stage in order to permit a repetition of the motion.

The motion to postpone indefinitely opens to debate all the merits of the proposition to which it is applied. It may not be applied to the motion to refer, or to suspend the rules, and it is reasonable to infer that it is equally inapplicable to the other secondary or privileged motions enumerated in the rule, and the motions relating to the order of business. The effect of the motion to postpone indefinitely is to dispose of the proposition postponed for the remainder of the session.

21a. Pending the reading of any bill or any resolution introduced or offered by any member, the foregoing privileged motions shall be in order, and any member shall be recognized by the presiding officer and be in order to make any such motions, or to move that the first reading of such bill or resolution be, for the time, dispensed with, and that the bill or

resolution lie on the table until, for the purpose of giving it a first reading, it is taken off the table by a majority vote of the Senate.

22. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn or recess.

23. When any Senate bill shall be reached upon the calendar, or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

The purpose of this rule is to save the time and labor of the Legislature, by disposing of the most advanced legislation first. The House bill is not substituted for the Senate bill, but simply is considered instead of the Senate bill which is displaced on the calendar by the House bill. An amendment to the House bill by inserting the Senate bill after the enacting clause would be in order, and if adopted would become privileged matter in the House, thus advancing the bill, and practically insuring final action on the measure.

The rule has not always been followed, but should be to facilitate business and to economize time and labor.

24. The Senate may punish any member for disorderly conduct, and with the consent of two-thirds may expel a member; but not a second time for the same offense. (Constitution, Art. III, Sec. 11.)

25. The Senate, 'during its session, may imprison for forty-eight hours any person, not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings. (Constitution, Art. III, Sec. 15.)

26. Any member who shall receive or offer a bribe, or who shall suffer his vote to be influenced by promise of preferment or reward, shall, on conviction, be expelled.

BILLS.

27. No bill shall have the force of a law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) *four-fifths of the house* in which the bill may be

pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journal. (Constitution, Art. III, Sec. 32.)

"Four-fifths of the house in which the bill may be pending" has been interpreted to mean four-fifths of all of the Senators recorded on the roll call—those members present and not voting, and paired, as well as those voting yea and nay.

28. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives, and whether it be the first, second or third reading.

29. A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof, when first introduced; if a House bill, the reading thereof when submitted to the Senate. And all House bills, when received in the Senate shall be read and referred to a committee. No action shall be taken upon a bill, accepting, rejecting or amending the same until it has been reported upon by a committee. And it shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject, to first consider and report upon the House bill.

30. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "Shall this bill be engrossed and passed to a third reading?" And if a House bill, "Shall this bill pass to a third reading?"

31. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature. (Constitution, Art. III, Sec. 37.) And no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session unless it be to correct an error therein.

31a. Whenever any bill is reported favorably by a committee of the Senate or the Senate so directs by its order, such bill shall be printed and a copy thereof shall be laid on the desk of each Senator unless otherwise ordered by the Senate.

No bill, except a local bill, shall be considered by the Senate until printed copies of said bill shall have been on the

desks of the Senate for at least twenty-four hours; and provided further, that the calendar for each day shall be placed on the desk of each Senator on or before 12 o'clock noon of the preceding day.

The above rule is complied with if a bill has been printed in the Journal and placed on the desks of the Senators twenty-four hours before action is taken on the bill.

32. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

33. It shall be in order at the third reading of a bill to move its reference to a committee; and should such motion prevail and the same be reported back to the Senate, the said bill shall be considered as on its second reading.

34. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered in the Journals. (Constitution, Art. III, Sec. 38.)

SUBSTITUTE BILLS.

35. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives; and any amendment which is in effect a substitute shall be considered a substitute bill.

RESOLUTIONS.

36. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

Joint resolutions appropriating money come within this rule.

37. All resolutions, except those named in the preceding rule, shall be acted on upon their introduction, or on motion postponed or referred to an appropriate committee.

Simple and concurrent resolutions are controlled under this rule

AMENDMENTS TO THE CONSTITUTION.

38. All amendments proposed to the Constitution shall be subject to rules that govern the proceedings on bills, except

that they shall, in all cases, be read on three several days, and shall only be passed by a vote of two-thirds of the members elected to the Senate. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution may be under consideration, the votes of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question short of the final question.

MOTIONS.

39. All motions shall be reduced to writing and read by the Secretary, if desired by the presiding officer or any Senator present.

40. After a motion has been stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Senate; but it may be withdrawn at any time before it has been amended or decided.

After any action is had on a motion entertained by the President it may not be withdrawn if there is any objection offered to the withdrawal of it.

41. On motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

Motions to adjourn or recess, being of high privilege, should not be substituted, but the Senate should have the right to vote on all motions made, the vote being taken on the longest time first. Should the time be the same in a motion to recess and another motion to adjourn, the motion to adjourn being a stronger motion should be put first.

The motion to recess or adjourn, not being debatable, the mover cannot hold the floor to the exclusion of other Senators who might want to make a motion to adjourn or recess to a different hour. After the motion is made, anyone can demand that the question be put, and any business, such as the reading of bills, reports, or the making of announcements, must be done by unanimous consent, and not by the mover yielding.

42. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions; but on the motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of the motion simply to strike out prevent a subsequent motion to strike out and insert. A motion to table shall only affect the matter to which it is

directed, and a motion to table an amendment shall never have the effect of tabling the entire measure.

PRACTICE IN THE HOUSE OF REPRESENTATIVES IN CONGRESS AS TO DIVISION OF THE QUESTION.—After the question has been put, it may not be divided, nor after the yeas and nays have been ordered. But it may be demanded after the previous question has been ordered.

It is not in order to demand a division of a related subject; as, when a resolution to adopt a series of rules not made a part of the resolution was before the House, it was held not in order to demand a separate vote on each rule.

In voting on the engrossment or passage of a bill or joint resolution a separate vote on the various portions may not be demanded, or on the preamble of a bill; but on a series of simple resolutions a division may be demanded. When a motion is made to lay several connected propositions on the table, a division is not in order. On a decision of the President involving two distinct questions there may be a division on appeal.

43. A motion to postpone or to commit having been once decided, shall not again be entertained on the same day, at the same stage of the bill or other question before the Senate.

PETITIONS AND MEMORIALS.

44. Before any petition or memorial, addressed to the Senate, shall be received and read at table, a brief verbal statement of its contents may be made by the person presenting it.

PROTESTS.

45. Any member shall have the privilege to have spread upon the Journal of the Senate his reason for any vote he may cast.

REPORTS.

46. All committee reports shall be in writing.

47. It shall be in order for the Committees on Engrossed and Enrolled Bills to report at any time.

48. All reports except reports from Committees on Engrossed and Enrolled Bills shall, after being read, lie on the table one day before consideration, unless committed.

It has been held that "one day," as used here, means a legislative day and not a calendar day.

49. When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the Secretary as having been read the first time.

COMMITMENT.

50. Motions in writing, reports, and all resolutions except such as require the approval of the Governor, may be committed at the pleasure of the Senate.

51. When several motions shall be made for reference of a subject to a committee, they shall have the preference in the following order:

First: To a committee of the whole Senate.

Second: To a standing committee.

Third: To a select committee.

RECONSIDERATION.

52. After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof. When a bill, resolution, report, amendment, order, or message upon which a vote was taken shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return same, which last motion shall be acted upon, and if determined in the negative shall be a final disposition of the motion to reconsider.

Where the yeas and nays have not been ordered recorded in the Journal, any member, irrespective of whether he voted with the prevailing side or not, may make the motion to reconsider; but a member who was absent or who was paired in favor of the majority contention, and did not vote, may not make the motion.

While the motion to reconsider has high privilege for entry, it may not be considered while another question is before the Senate. When it relates to a bill belonging to a particular class of business, consideration of the motion is in order only when that class of business is in order.

When a motion is made to reconsider the vote on a bill which has gone to the House, a motion to recall the bill is privileged.

The motion to reconsider is adopted by a majority vote, even when the vote reconsidered requires two-thirds for affirmative action.

The vote by which the previous question was ordered can only be reconsidered one time and, as previously stated, the motion to reconsider cannot be applied to a vote by which the previous question was ordered after the previous question has been partially executed.

A motion to reconsider cannot be applied to a negative vote on adjournment, for recess, or suspension of the rules.

A motion to reconsider having prevailed and the vote again taken on the proposition, another motion to reconsider is not in

order unless the nature of the proposition has been changed by amendments.

The effect of a motion to reconsider is to suspend the original proposition, or in other words, to hold the matter in abeyance pending the further pleasure of the Senate. However, should the Legislature adjourn finally, leaving undisposed of a motion to reconsider, and the bill, by oversight, should be enrolled, properly signed by the presiding officers of the two houses, and approved by the Governor, it would undoubtedly become a law, although a motion to reconsider the vote by which it was finally passed remained undisposed of.

When a motion to reconsider is carried, the question immediately recurs on the proposition reconsidered, and when a vote adopting an amendment is reconsidered the amendment simply becomes the pending amendment.

A motion to reconsider is debatable unless the proposition upon which the motion to reconsider is made is not debatable.

Although a bill may have gone to the other house or to the Governor, or the Senate has informed the House that it has agreed to the House amendments to a Senate bill, the motion to reconsider may be made if made within the time prescribed by the rules. In such cases the procedure is to advise the House or the Governor, as the case may be, that a motion is pending to reconsider and a request is made that the bill be returned for further consideration.

53. In all cases a motion to reconsider shall be decided by a majority of the vote.

54. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by majority vote of the Senate, and without debate.

QUESTIONS--MODE OF STATING AND VOTING UPON.

55. All questions shall be distinctly put by the President, and the members shall signify their assent or dissent by answering "yea" or "nay."

EQUAL DIVISION OF THE SENATE.

56. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. (Constitution, Art. IV, Sec. 16.)

57. The President of the Senate for the time being shall not, by virtue of his office, be entitled to give the casting vote in any case.

58. If the Senate is equally divided on any question when the Lieutenant Governor is not present, such question or motion shall be lost.

YEAS AND NAYS.

59. Upon the final passage of all amendments proposed to the Constitution, of all bills appropriating money or lands for any purpose, and of all questions requiring a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the Journal.

60. At the desire of any three members present, the yeas and nays shall be entered on the Journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum. (Constitution, Art. III, Sec. 12.)

Verification of a yea and nay vote is not provided for by any rule and a member, as a matter of right, may not demand it. But when a vote is close it has been the practice of the National Congress and in the House for the Speaker to order it when requested by any member voting. During such verification no member can change his vote, neither may any member not having voted cast a vote. It would be a dangerous precedent to allow any change in the vote after it had once been announced. And no change should ever be made except in the case of an erroneously recorded vote.

61. Upon any roll call of the Senate, should any member who is in the Senate Chamber fail or refuse to answer when his name is called, the Secretary of the Senate shall, under the direction of the President of the Senate, record such members as present.

TWO-THIRDS VOTE—ON WHAT QUESTIONS REQUIRED.

62. A vote of two-thirds of all members elected to the Senate shall be required:

(1) For the final passage of amendments to the Constitution. (Constitution, Art. 17, Sec. 1.)

(2) For the final passage of bills exempting property from taxation. (Constitution, Art. 8, Sec. 10.)

(3) For the final passage of bills to revoke or repeal private corporations.

(4) For the final passage of bills to authorize the State to borrow money.

(5) For the passage of bills that have been returned by the Governor with his objections. (Constitution, Art. 4, Sec. 14.)

(6) For the final passage of bills to reduce a county to

a less area than nine hundred square miles. (Constitution, Art. 9, Sec. 1.)

(7) For the passage of an address to the Governor for the removal of any civil officer. (Constitution, Art. 15, Sec. 8.)

(8) In case of impeachment, a vote of two-thirds shall be required to convict. (Constitution, Art. 15, Sec. 3.)

(9) To expel a member. (Constitution, Art. 3, Sec. 11.)

A vote of two-thirds of all members present shall be required:

(1) To adopt an amendment at the third reading of a bill or joint resolution. (See Senate Rule 33.)

(2) To postpone or change the order of business.

(3) To suspend any rule of the Senate.

(4) To excuse absentees.

SUSPENSION AND RESCISSION OF THE RULES.

63. It shall require a vote of four-fifths of the Senate to suspend the rule requiring bills to be read on three several days. (Constitution, Art. 3, Sec. 32.)

64. Any rule, order or act of the Senate may be rescinded or changed by a two-thirds vote of all the members present, except where otherwise provided by the Constitution or the laws.

65. No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call.

REJECTION OF BILLS, RESOLUTIONS AND MOTIONS.

66. After a bill or resolution has been considered and defeated by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session. (Constitution, Art. 3, Sec. 34.)

ELECTIONS.

67. In all elections of the Senate, the vote shall be given viva voce, except in the election of officers of the Senate. (Constitution, Art. 3, Sec. 41.)

68. A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate.

COMMITTEES.

69. All committees shall be appointed by the President, unless otherwise directed by the Senate.

70. The following standing committees shall be appointed:

- (1) A Committee on Civil Jurisprudence.
 - (2) A Committee on Criminal Jurisprudence.
 - (3) A Committee on Constitutional Amendments.
 - (4) A Committee on Educational Affairs.
 - (5) A Committee on Internal Improvements.
 - (6) A Committee on Finance.
 - (7) A Committee on Public Lands and Land Office.
 - (8) A Committee on State Penitentiaries.
 - (9) A Committee on Public Health.
 - (10) A Committee on Military Affairs.
 - (11) A Committee on State Affairs.
 - (12) A Committee on Commerce and Manufactures.
 - (13) A Committee on Roads, Bridges and Ferries.
 - (14) A Committee on Public Debt, Claims and Accounts.
 - (15) A Committee on Contingent Expenses.
 - (16) A Committee on Federal Relations.
 - (17) A Committee on Counties and County Boundaries.
 - (18) A Committee on Public Printing.
 - (19) A Committee on Judicial Districts.
 - (20) A Committee on Stock and Stock Raising.
 - (21) A Committee on Agricultural Affairs.
 - (22) A Committee on State Institutions and Departments.
 - (23) A Committee on Privileges and Elections.
 - (24) A Committee on Public Buildings and Grounds.
 - (25) A Committee on Rules.
 - (26) A Committee on Engrossed Bills.
 - (27) A Committee on Enrolled Bills.
 - (28) A Committee on Insurance and Banking.
 - (29) A Committee on Towns and City Corporations.
 - (30) A Committee on Mining, Irrigation and Drainage.
 - (31) A Committee on Labor.
 - (32) A Committee on Nominations of the Governor.
- (Proviso—that when any nomination of the Governor shall be referred to this committee, it shall not be reported to the Senate at an earlier date than three days, unless otherwise ordered by the Senate.)

70a. The following standing committees are hereby created, and the members thereof shall be appointed by the

Lieutenant Governor, unless otherwise directed by the Senate:

- (1) A Committee on Congressional Districts.
- (2) A Committee on Senatorial Districts.

Each of said committees to consist of such members as the Lieutenant Governor shall appoint.

71. All Conference Committees of the Senate shall be selected and appointed by the Lieutenant Governor or the President Pro Tempore when the latter shall be presiding.

72. The Senate may, by resolution, add members to any committee, standing or special, but when such additions are made, no further change in standing committees shall be made, except by and with the consent of a two-thirds majority of all the Senators present.

73. The present committees appointed by the Lieutenant Governor and added to by the Senate are declared to be the committees of the present Senate.

COMMITTEE OF THE WHOLE.

74. It shall be in order for the Senate at any time after bills and resolutions have been called to resolve itself into Committee of the Whole.

75. In forming a Committee of the Whole Senate, the President shall leave the chair, and shall appoint a chairman to preside in committee.

76. When in Committee of the Whole, the Lieutenant Governor shall have the right to debate and vote on all questions. (Constitution, Art. 4, Sec. 16.)

77. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole.

78. Upon bills committed to a Committee of the Whole Senate, the bills shall be read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page or line, shall be duly entered by the Secretary, on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after the report, the bill shall again be subject to be debated and amended, or committed before a question to engross it be taken.

NOMINATIONS BY THE GOVERNOR.

79. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously directs otherwise.

80. Nominations shall be acted on in executive sessions only.

81. All nominations approved or definitely acted on by the Senate shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

EXECUTIVE SESSION.

82. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons, except Secretaries, Doorkeeper and Assistant Doorkeeper, Sergeant-at-Arms and Assistant Sergeant-at-Arms, who shall keep secret the proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate.

83. All information or remarks touching the character or qualifications of any person nominated by the Governor's office shall be kept secret.

84. Any officer or member convicted of violating any provisions of either of the two preceding rules shall be liable, if an officer, to dismissal from the service of the Senate, and if a member, to expulsion.

MESSAGES.

85. Messages, bills, resolutions and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

86. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

JOURNAL OF THE SENATE.

87. The proceedings of the Senate, when not in Committee of the Whole, or in Executive Session, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of the bill, and such parts thereof only as shall be

affected by proposed amendments, shall be inserted in the Journal; every report of a committee and vote of the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall also be inserted in the Journal.

88. When a bill shall be returned to the Senate by the Governor, with his objections, they shall be entered at large upon the Journal. (Constitution, Art. 4, Sec. 14.)

89. The proceedings of the Senate, when in executive session acting upon nominations made by the Governor, shall be kept in a separate book, but the final result of such session shall be placed upon the Journal of the Senate, and the Secretary shall report the same to the Governor.

ADJOURNMENT.

90. A motion to adjourn or recess shall always be in order, and shall be decided without debate, and the Senate may adjourn or recess while operating under the previous question.

A motion to adjourn is not in order when a member entitled to the floor is addressing the Senate without his consent to yield for the purpose, and when, a quorum being present, no business has been transacted since a motion to adjourn has been lost. The calling of a roll, the reception of a message from the Governor or the House, or the address of a member of the Senate has been held to be the transaction of business. (See Annotations, Rule 20.)

91. The Senate shall not adjourn or recess for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Art. 3, Sec. 17.)

92. That persons hereinafter named, and no others, shall be admitted to the Senate Chamber while the Senate is in session, viz:

(1) The members and employes of the Senate and their families, Representatives and employes of the House of Representatives, the Governor and his private secretary, the Lieutenant Governor and members of the families of the Lieutenant Governor and Senators, the officers of the General State government, the President and Vice-President of the United States, United States Senators and members of Congress, Governors of other States, the heads of the departments, judges of the Supreme Court, and the Courts of Criminal and Civil Appeals. Provided, that the exceptions

herein named shall not apply to any person or persons engaged in lobbying, and provided that said exception shall not extend to the officers of the general State government and the heads of departments while any bill is pending before the Senate affecting the office or department seeking the privileges of the floor.

(2) Reporters of newspapers shall be assigned appropriate and convenient seats in the Senate by direction of the President.

(3) Provided, that no newspaper reporter, or any person whomsoever who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be admitted upon the floor of the Senate or rooms leading thereto when the Senate is in session, nor shall any newspaper reporter, whose salary or compensation is paid in whole or in part by any person, corporation, firm or association other than the paper or papers for which he reports, be admitted into the hall or rooms leading thereto when the Senate is in session.

(4) It shall not be in order for the President to entertain a request, motion or resolution for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

(5) It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Senate Chamber of all persons not entitled to the privileges thereof five minutes before the hour of meeting.

(6) Provided, that this rule shall not apply to persons who are invited to address the Senate when in session, nor shall it apply to any person who desires to appear before any committee, while going to or returning from the session of said committee; provided further, that this rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. All officers and employes of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employe violate this rule, the same shall be cause for dismissal from the service of the Senate.

SENATE RULES—WHEN SILENT.

93. The President of the Senate shall decide all questions not provided for by the standing rules of order of the Senate, and joint rules of order of both branches of the Legislature, according to parliamentary practice, laid down by modern

approved authors, subject to appeal to the entire Senate, as in other cases.

The annotations to the rules of the Senate are made from a careful study of: Rules of the Senate, precedents as shown by Senate Journals; Manual of Thirty-third Legislature; Hinds' Precedents and Roberts' Rules of Order.—Editor.

PREVIOUS QUESTION.

94. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question; "Shall the main question be now put?" And if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the Senate to a direct vote—first, upon pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be decided by a vote upon said amendment or motion.

After the previous question has been ordered, no motion is in order until the question or questions on which it is ordered have been voted upon, except the motion for a call of the Senate and the motion to reconsider the vote by which the previous question was ordered; and this motion to reconsider can be made only once, and that must be before any vote under the previous question has been taken. The motion to adjourn is in order after the previous question has been ordered.

PURPOSE OF THE MOTION FOR THE PREVIOUS QUESTION.—In the House of Representatives in Congress, the motion for the previous question is the only motion used in the House itself for closing debate. The motion may not include a provision that it shall take effect at a certain time. It may not be moved on more than one bill, except by the unanimous consent of the House. It is often ordered on undebatable propositions to prevent amendment, but may not be moved on a motion that is both undebatable and unamendable; for example, the motion to table. It applies to questions of privilege as to other questions; also, to appeals.

The motion to lay on the table may not be applied to the previous question; nor may it be applied to the main question after the previous question has been ordered, or after the yeas and nays have been ordered on the demand for the previous question.

The motion to postpone may not be applied to the main question after the previous question has been ordered. (Leg. Man., 33d Leg., pp. 662-664.)

POINT OF ORDER.

95. Pending the consideration or discussion of any point of order before the presiding officer and the Senate, or either, any Senator may demand that the point of order be immediately decided, and if seconded by ten Senators, the presiding officer shall submit the question: "Shall the point of order be now decided?" If a majority vote is in favor of it, the point of order shall immediately be decided by the presiding officer, and if an appeal from his decision is taken, the appeal shall be immediately decided by the Senate without debate.

(See Annotations, Rule 5.)

JOINT RULES OF THE TWO HOUSES.

DISAGREEMENTS BETWEEN THE TWO HOUSES.

1. In every case of an amendment in one house, and dissented to by the other, if either house shall request a conference and appoint a committee for that purpose, and the other house shall appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairmen, meet in their conference chamber and state to each other, verbally or in writing, as either shall choose, the reasons of their respective houses for and against the amendment and confer freely thereon.

2. After each house shall have adhered to their disagreement, a bill or resolution is lost.

3. When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof is to be given to the house in which the same may have passed.

COMMUNICATIONS BETWEEN THE TWO HOUSES.

4. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

5. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

6. All messages relating to the passage, substitution or amendment of any bill, resolution or other matter in passage between the two houses shall be sent by such person as a sense of propriety in each house may determine to be proper, and shall be in writing, on but one side of separate sheet or sheets of paper, and shall be properly addressed to the presiding officer of the house to which the message be sent, and shall be signed by the person delivering the same, in his official capacity; and such message, as written, shall be printed in full in the Journal of the house receiving the same.

7. While bills and resolutions are on their passage between the two houses, they shall be on paper and under the signature of the Secretary or Clerk of each house, respectively.

8. Each house transmits to the other all papers on which any bill or resolution may be founded.

CONSIDERATION OF BILLS IN THE RESPECTIVE HOUSES AND
THE FINAL PASSAGE THEREOF.

9. When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

10. When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill.

11. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature. (Constitution, Article III, Section 37.) And no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, unless it be to correct an error therein.

ENROLLING AND SIGNING OF BILLS AND RESOLUTIONS AND
THEIR PRESENTATION TO THE GOVERNOR.

12. After a bill shall have passed both houses, it shall be duly enrolled on paper by the Enrolling Clerk of the House of Representatives or of the Senate, as the bill may have originated in the one or the other house, and properly signed by the presiding officer of each house, as required by the Constitution, before it shall be presented to the Governor.

13. When bills are enrolled they may be examined by a joint committee of three from the Senate and three from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the houses, and carefully correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective houses.

14. After examination and report, each bill shall be signed in the respective houses—first by the presiding officer of the house in which it originates, then by the presiding officer of the other house, in accordance with Article III, Section 38, of the Constitution.

15. After a bill shall have thus been signed in each house, it shall be presented to the Governor for his approbation by the Enrolling Committee of the house in which it originated, it being first endorsed on the back of the roll, certifying in which house the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which the same did originate, and shall be entered on the Journal of such house. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

16. All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills; and said report shall be accompanied by a copy of said bill as a part of said report, which said copy may be typewritten or printed, partly written and printed, or written and partly printed, and, unless it is a local bill, it shall be printed in the Journal of the House or Senate to which said report is made.

ELECTIONS BY JOINT VOTE OF THE TWO HOUSES.

17. In all elections by joint vote of the two houses of the Legislature, the Senate will, upon invitation, meet the House in its Hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats in front of the Speaker's desk. The Speaker of the House will preside. The names of the Senators shall then be alphabetically called, after which the names of the Representatives shall be called in like manner, and if a quorum of both houses answer to their names the two houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by the Secretary and their votes recorded by him. The names of the Representatives shall then be called by the Clerk, and their votes re-

corded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receives a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two houses have met in joint session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered on the Journal of each house.

18. If a quorum of either house shall fail to attend a joint session, or absent themselves therefrom without the permission of such house, the members of the house so wanting a quorum, if ten in number, shall have the right to compel the attendance of the absentees in accordance with its own rules; and after a reasonable time, if a quorum is not obtained, the joint session may be adjourned by the vote of a majority of the members of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without debate.

19. If no choice shall have been made on the first ballot or vote, at any time thereafter, the joint session may be adjourned, with or without naming another day for meeting, by the vote of a majority of either house, which vote shall be taken by the presiding officer of either house, on the motion of any one of its members, without delay.

MEMBERS COMPOSING CONFERENCE COMMITTEES.

20. In all conferences between the Senate and the House by committee, the number of each committee shall be five (5), and all votes on matters of difference shall be taken by each committee separately, and it shall require a majority of each committee present concurring upon the matter in dispute to determine it. The reports of all conference committees must be signed by a majority of each committee of the conference.

NOTIFICATION OF DEFEATED MEASURES.

21. When a bill, joint or concurrent resolution has been defeated in the Senate or in the House, the Secretary of the Senate or the Chief Clerk of the House, as the case may be, shall immediately notify the other house of the defeat of said bill or resolution and transmit a copy of the same.

HOUSE AND SENATE BILL DAYS.

22. In the Senate, on Wednesday and Thursday of each week, only House bills on their third and second readings,

respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday) as unfinished business; and this rule can not be suspended without the consent of the House.

23. In the House, on Wednesday and Thursday of each week, only Senate bills on their third and second readings, respectively, shall be taken up and considered until disposed of, and in case one shall be pending at adjournment, it shall go over to the succeeding day (Friday) as unfinished business; and this rule can not be suspended without the consent of the Senate.

ANNOTATIONS TO JOINT RULES.

DIFFERENCES BETWEEN THE TWO HOUSES.

A House bill may be altered or amended in the Senate, provided its original purpose is not changed. When a House bill has been amended in the Senate, it is returned to the House for further consideration. The House may (a) agree to the amendments, (b) or disagree to all and ask for a conference. The usual practice is to concur in the Senate amendments or refuse to concur in the Senate amendments and request a conference committee. When the motion to concur and the motion to non-concur and request a conference are both made, the latter motion is usually put first.

MESSAGES BETWEEN THE HOUSE AND THE SENATE.

The rule, according to Jefferson's Manual and the later practice in Congress, is that messages between the two houses should be sent only when the two houses are sitting. Messages from the Senate are received in the House whenever they are presented except during roll call or the taking of a vote. In the Committee of the Whole, the Speaker takes the chair while the message is being read. All messages received from the Senate must be printed in the Journal.

A messenger from the Senate to the House shall be announced at the door of the House by the Doorkeeper, and, upon recognition by the Speaker, the messenger shall respectfully read the message to the Chair. The same ceremony is observed when the messenger is sent from the House to the Senate.

All messages relating to the passage of an amendment to any bill, resolution or measure in passage between the two houses is usually signed by the Secretary of the Senate or the Chief Clerk of the House. The message must be in writing on one side of separate sheets of paper and shall be properly addressed to the presiding officer of the house to which it is sent and must be signed by the person delivering the same in his official capacity, and such message as written must be printed in full in the Journal of the house receiving the same.

Bills or resolutions on their passage between the two houses shall

be on paper and under the signature of the Secretary or Chief Clerk of each house, respectively.

"FREE" CONFERENCE COMMITTEES—REPORTS OF.

There is really no such thing as a "Free" Conference Committee authorized by the joint rules of the two houses. All the rules do is to simply, in case of a disagreement between the two houses, authorize the appointment of a Conference Committee to meet and consider the differences. After this conference, if each house shall have disagreed as to the disposition of the bill or resolution under consideration, it shall be lost.

While the rules do not authorize the appointment of a "Free" Conference Committee, yet by long established custom and practice in the Legislature "Free" Conference Committees are generally appointed, and these committees have often exercised plenary powers in that they have not confined their reports to the matters disagreed upon between the two houses, but have gone outside of that and in many instances have brought in entirely new bills. The practice in Congress has established a precedent that a conference shall not in its report include subjects not within the disagreements submitted to them by the houses. In fact, this is based upon sound common sense as well as parliamentary law. However, where one house strikes out all of the bill of the other after the enacting clause and inserts a new text, and the difference over this subject is referred to the conference, the managers have a wide discretion in incorporating germane matter and may even report a new bill on the subject. But it is not within the province of a Conference Committee to include in its report new items constituting in fact a new and distinct subject not in disagreement, though germane to the questions in issue. An instance: A Conference Committee presented a report in the House of Representatives (Congress) in which it included new matter, viz.: the part of clause not found in either the House bill or the Senate amendment; the point of order was made on the consideration of this report on the ground that the committee exceeded its authority, and, the point of order being sustained, was equivalent to the rejecting of the report of the House on a vote.

According to Jefferson's Manual and the practice in Congress, a "Free" Conference is one which leaves the Committee of Conference entirely free to pass upon any subject where the two houses have disagreed in their votes, not, however, including any action upon any subject where there has been a concurrent vote of both houses. A simple conference is that which confines the Committee of Conference to the specific instructions of the body appointing. Under this definition, all of the conference committees not instructed are "free" and those who are instructed are "simple."

For a complete discussion of Conference Committees see Jefferson's Manual, Sections 523 to 552, inclusive. Jefferson's Manual, with the precedents of the National House of Representatives, is the official authority where the rules of the House (Texas) are inexplicit or silent.

MEMBERS OF THE HOUSE OF REPRESENTATIVES, THIRTY-SEVENTH LEGISLATURE.

Name.	District No.	Postoffice.	Nativity.	Age.	Years in Texas.	Occupation.	Member Former Legislature.	Politics.	Counties Composing District.
Adams, John M.	54	Fort Worth	Texas.	56	56	Humane Officer.		Dem.	Tarrant, Denton.
Alken, W. J.	97	Lynn	S. C.	61	51	Stock Farmer and Banker.		Dem.	Hood, Erath, Somervell.
Baker, O. D.	67	Gause.	Ala.	59	54	Publisher.		Dem.	Milam, Bell.
Baldwin, R. A.	122	Slaton.	Mo.	36	10	Lawyer.	3rd and 4th Called 36th.	Dem.	Briscoe, Floyd, Crosby, Garza, Borden, Dawson, Lynn, Lubbock, Terry, Andrews, Yoakum, Gaines, Hockley, Cochran.
Barber, C. A.	43	Sherman.	Ark.	66	36	Lawyer.	36th.	Dem.	Grayson, Collin.
Barrett, C. W.	66	Temple.	Ala.	55	35	Grain and Feed Merchant.	36th.	Dem.	Bell.
Barrett, E. B.	37	Leonard.	Texas.	31	31	Farmer.		Dem.	Fannin.
Bass, C. T.	88	San Marcos.	Texas.	54	54	Druggist.	4th Called 35th and 36th.	Dem.	Hays, Comal.
Beasley, C. E.	116	Sulphur Springs.	Ind.	31	14	Lawyer.		Dem.	Hopkins.
Beasley, T. J.	114	Mercury.	Texas.	55	55	Banking.	35th, 36th.	Dem.	McCulloch, San Saba.
Beavens, C. C.	13	Houston.	Texas.	47	47	Real Estate.	Part of 36th.	Dem.	Harris.
Binkley, Thos. G.	99	Graham.	Texas.	40	40	Lawyer.		Dem.	Young, Jack.
Bonham, H. S.	73	Beeville.	Texas.	39	39	Lawyer.	36th.	Dem.	Arausas, Bee, Live Oak, Refugio, San Patricio.
Black, O. B.	83	San Antonio.	Texas.	34	34	Attorney.	36th.	Dem.	Bexar.
Black, W. A.	85	San Antonio.	Ind.	63	37	Sec'y Single Tax League.	36th.	Dem.	Bexar.
Brady, Joe C.	77	Galveston.	Texas.	27	27	Lawyer.	36th.	Dem.	Galveston.
Branch, O. B.	75	La Feria.	Tenn.	54	45	Banker.	31st.	Dem.	Cameron, Willacy, Kleberg.
Brown, J. H.	84	Forestville.	Mo.	44	25	Banker.	35th, 36th.	Dem.	Wilson, Karnes.
Bryant, Sam A.	104	Memphis.	Ky.	58	43	Farmer.	36th.	Dem.	Childress, Cottle, Hall, Motley.
Burkett, Joe.	108	Kastland.	Texas.	35	35			Dem.	Eastland, Callahan.
Burns, J. T.	50	Christine.	Germany.	64	39	Stockman, Lawyer.	24th, 33rd, 34th.	Dem.	La Salle, Frio, Atascosa, McMullen.
Burns, J. D.	50	Hillsboro.	Texas.	36	36	Lawyer.	36th.	Dem.	Hill, Navarro.
Carpeniter, W. C.	49	Ray City.	Ala.	63	38	Lawyer.		Dem.	Matagorda, Brazoria.
Childers, E. H.	62	Lott.	Ala.	66	49	Farmer.	36th.	Dem.	Falls.

MEMBERS OF THE HOUSE OF REPRESENTATIVES, THIRTY-SEVENTH LEGISLATURE—Cont'd.

Name.	District No.	Postoffice.	Nativity.	Age.	Years in Texas.	Occupation.	Member Former Legislature.	Politics.	Counties Composing District.
Chitwood, R. M.	121	Sweetwater	Ala.	43	5	Farm Manager		Dem.	Nolan, Mitchell, Faber.
Coffey, Roy C.	133	Paradise	Ark.	24	23	Student		Dem.	Wise.
Cox, Ben L.	107	Abilene	Texas	43	43	Lawyer	36th	Dem.	Taylor.
Crawford, W. S.	5	Beckville	Texas	40	40	Ginner		Dem.	Fauba.
Crumpton, Sd.	1	Texasiana	La.	43	37	Attorney	36th	Dem.	Bowie.
Cummings, H. H.	42	Denison	Texas	47	47	Lawyer		Dem.	Grayson.
Curtis, A. B.	52	Fort Worth	Tenn.	45	35	Lawyer	36th	Dem.	Tarrant.
Darroch, J. C.	94	Goldthwaite	Texas	35	35	Lawyer		Dem.	Hamilton, Mills.
Davis, John E.	44	Mesquite	Ga.	45	25	Editor and Publisher	32nd, 33rd, 34th, 35th, 36th	Dem.	Dallas.
Davis, John.	47	Dallas	Texas	43	43	Lawyer	36th	Dem.	Dallas, Kaufman.
Dingle, C. E.	40	Greenville	Texas	44	44	Soc'y Merchants Aus'n		Dem.	Hunt, Rockwall.
Duffey, M. M.	48	Marysville	Ala.	72	50	Farmer		Dem.	Cooke.
Duncan, F. B.	73	Egypt	Texas	33	33	Merchant, Farmer and Stockman		Dem.	Jackson, Wharton.
Edwards, R. E.	93	Osage	Tenn.	63	50	Farmer		Dem.	Coryell, Lampasas.
Eaton, F. S.	64	Franklin	Texas	66	60	Publisher	35th, 36th	Dem.	Robertson.
Kauffman, H. E.	92	Marble Falls	Texas	45	45	Editor and Publisher	36th	Dem.	Burnett, Williamson.
Fly, W. M.	82	Gonzales	Texas	63	63	Merchant	34th, 35th, 36th	Dem.	Gonzales.
Fugler, V. D.	4	Marshall	Miss.	29	15	Abstractor and Law Stud.		Dem.	Harrison.
Gardner, G. W.	56	Hillsboro	Ala.	52	36	Farmer		Dem.	Hill.
Garrett, John P.	28	Poyner	Texas	22	22	Farmer	2nd Called 36th	Dem.	Smith, Henderson.
Glenn, R.	23	Mt. Pleasant	Texas	57	57	Collector		Dem.	Thut, Morris.
Hall, J. W.	15	Humble	Ala.	52	42	Merchant	36th	Dem.	Harris.
Hanna, J. Roy.	94	Meridian	Texas	59	59	Stock Farmer		Dem.	Boeque, Johnson.
Hartman, J. T.	23	Kaufman	Texas	33	33	Farmer		Dem.	Kaufman.
Harrington, J. F. E.	93	Vinson	Texas	47	47	Farmer		Dem.	Madison.
Harrison, P. G.	93	Mineral Wells	Miss.	31	37	Physician and Surgeon		Dem.	Stephens, Palo Pinto.
Henderson, P. L.	3	Jefferson	Texas	37	37	Attorney		Dem.	Marion, Cass, Bowie.
Henderson, Homer	61	Waco	Texas	31	21	Attorney	35th	Dem.	McLennan.
Hill, H. B.	55	Waxabachie	Texas	21	21	Lawyer		Dem.	Ellis.
	124	Shamrock	Mo.	37	8	Lawyer	36th	Dem.	Ochiltree, Lipscomb, Roberts, Hemphill, Gray, Wheeler, Donley, Collingsworth.

Horton, F. B.	44	Dallas.	Tenn.	40	21	Lawyer.	36th.	Dem.	Dallas.
Johnson, A. S.	3	Waxahachie.	Texas.	24	24	Lawyer.	36th.	Dem.	Ellis.
Johnson, B. F.	56	Wichita Falls.	Texas.	34	34	Real Estate.	29th, 30th, 35th.	Dem.	Wichita, Wilbarger.
Johnson, S. E.	101	Stonewall.	Texas.	43	43	Real Estate.	36th.	Dem.	Jeff Davis, Pecos, Brewster, Terrell,
Jones, Walter F.	117	Del Rio.	Texas.	30	30	Attorney.	36th.	Dem.	Val Verde, Kinney, Maverick.
Kear, Ed.	72	Hallettsville.	Texas.	25	25	Lawyer.	36th.	Dem.	Lavaca.
Kellis, W. F.	113	Sterling City.	Texas.	65	65	Man.	36th.	Dem.	Tom Green, Schleicher, Irion, Sterling.
King, A. H.	102	Throckmorton.	Texas.	29	29	Wholesale Merchant.	35th, 36th.	Dem.	Haskell, Baylor, Throckmorton.
Kveton, W. J.	71	Sealy.	Texas.	54	54	Lawyer.	4th Called 36th.	Dem.	Colorado, Austin.
Lackey, Sam C.	81	Cuero.	Texas.	27	27	Farmer.	36th.	Dem.	De Witt, Karnes.
Laird, J. W.	10	Lufkin.	Texas.	35	35	Farmer, Lawyer and Banker.	34th, 35th, 36th.	Dem.	Angelina, San Augustine.
Laney, C. O.	44	Dallas.	Texas.	35	35	Farmer.	36th.	Dem.	Dallas.
Lauderdale, A. N.	68	Somerville.	Texas.	58	58	Farmer.	36th.	Dem.	Burleson.
Lawrence, J. D.	31	Pittsburg.	Texas.	36	36	Farmer.	36th.	Dem.	Camp, Uehur.
Leslie, J. E.	78	McAllen.	Texas.	39	39	Lawyer.	36th.	Dem.	Hidalgo, Starr, Jim Hogg, Brooks.
Lindsey, John T.	12	Kountze.	Texas.	29	29	Student.	36th.	Dem.	Hardin, Tyler, Liberty.
Looney, Ike.	65	Ben Arnold.	Ala.	66	66	Retired Planter.	36th.	Dem.	Milam.
McCord, Felix J.	104	Longview.	Miss.	73	73	Lawyer.	17th, 35th, 36th.	Dem.	Gregg, Harrison.
McDaniel, A. J.	109	Gap.	Texas.	59	59	Farmer.	36th.	Dem.	Comanche.
McFarlane, W. I.	18	Richmond.	Texas.	49	49	Attorney.	36th.	Dem.	Fort Bend, Waller.
McKean, A. J.	86	Prairie Lea.	Texas.	52	52	Merchant and Farmer.	36th.	Dem.	Caldwell.
McLean, John D.	11	Onalaska.	N. C.	67	21	Farmer.	36th.	Dem.	Polk, San Jacinto.
Malcom, Wallace.	52	Fort Worth.	Texas.	28	28	Attorney.	36th.	Dem.	Tarrant.
Marin, C. A.	36	Paris.	Texas.	37	37	Lawyer.	32nd.	Dem.	Lamar.
Marshall, J. C.	103	Quannah.	La.	44	31	Farmer and Lawyer.	36th.	Dem.	Hardeman, Foard, Knox.
Mathes, Burke W.	123	Plainview.	Texas.	24	24	Lawyer.	36th.	Dem.	Bailey, Lamb, Castro, Farmer, Deaf Smith, Randall, Swisher, Hale, Armstrong.
Melson, J. M.	55	Sulphur Springs.	Texas.	52	52	Lawyer.	21st, 22nd.	Dem.	Hopkins, Franklin, Delta.
Menting, Otto F.	127	Fayetteville.	Texas.	48	48	Merchant and Farmer.	36th.	Dem.	Fayette, Austin, Lee, Burleson, Colorado, Ft. Bend, Waller.
Merriman, J. O.	14	Port Neches.	Texas.	36	36	Business Man.	36th, 26th, 35th.	Dem.	Orange, Liberty, Jefferson.
Miller, Barry	44	Dallas.	S. C.	56	39	Lawyer.	36th.	Dem.	Dallas.
Miller, Eugene	51	Garner.	N. Y.	22	14	Farmer and Student.	36th.	Dem.	Dallas.
Morgan, W. M.	185	San Antonio.	Ala.	49	30	Auto Dealer.	36th.	Dem.	Bezar.
Moore, Joe M.	39	Greenville.	Mo.	32	32	Newspaper, Insurance and Farming.	36th.	Dem.	Hunt.

MEMBERS OF THE HOUSE OF REPRESENTATIVES, THIRTY-SEVENTH LEGISLATURE—Cont'd.

Name.	District No.	Postoffice.	Nativity.	Age.	Years in Texas.	Occupation.	Member Former Legislature.	Politics.	Counties Composing District.
Morris, Grover C.	116	Devine.	Texas.	36	36	Lawyer.	3d, 4th Called 36th.	Dem.	Medina, Uvalde, Dimmitt, Zavalla.
Morris, W. A.	40	Montague.	Ark.	76	68	Land Surveyor.	36th.	Dem.	Montague.
Mott, Leon I.	20	New Waverly.	Rhode Island.	43	11	Lawyer.	36th.	Dem.	Texas, Walker.
Nebett, W. T., Jr.	70	Laredo.	Texas.	31	21	Farmer.		Dem.	Webb, Zapata.
Nelson, H. J.	60	Burton.	Texas.	52	52	Farmer and Stockman.		Dem.	Washington.
Nolan, R. R.	57	Corpus.	Miss.	42	40	Lawyer.	36th.	Dem.	Warr.
Owen, R.	2	Linden.	Texas.	27	27	Lawyer.		Dem.	Case.
Pattman, Wright.	36	Rusk.	Texas.	73	73	Lawyer and Farmer.	27th, 28th Sen.	Dem.	Cherokee.
Petkins, Jas. I.	38	Paris.	Texas.	24	24	Farmer.		Dem.	Lamar, Fannin.
Petkins, Frank E.	96	Dublin, R. 5.	Texas.	26	26	Farmer.		Dem.	Erath.
Perry, H. Grady.	29	Edmon.	Texas.	25	25	Law Student, Advertising and Farming.	36th.	Dem.	Van Zandt.
Pollard, Thomas G.	25		Texas.	44	44	Lawyer.	36th.	Dem.	El Paso.
Pool, Adrian.	118	El Paso.	Texas.	41	41	Lawyer.	36th, 36th.	Dem.	Nueces, Jim Wells, Duval.
Popo, W. E.	76	Corpus Christi.	Texas.	37	37	Lawyer.	36th.	Dem.	El Paso, Hudspeth, Culberson.
Quaid, J. E.	119	El Paso.	Texas.	61	37	Farmer.		Dem.	McLennan, Falls, Limestone.
Quicksall, J. L.	63	Waco.	Ky.	40	23	Farmer and Real Estate.		Dem.	Jefferson.
Quinn, B. E.	13	Beaumont.	Ala.	23	23	Farmer.		Dem.	Houston.
Rice, Chas. C.	24	Crockett.	Texas.	36	15	Lawyer.		Dem.	Harris.
Rogers, J. P.	15	Houston.	Miss.	51	46	Druggist.	4th Called 35th and 36th.	Dem.	Shelby.
Rogers, John C.	8	Center.	La.	43	20	Lawyer.	36th.	Dem.	Surry, Kent, King, Stonewall, Dickens.
Rosser, M. E.	105	Snyder.	Ga.	52	52	Editor.		Dem.	Brace, Grimes.
Rountree, Lee J.	22	Bryan.	Texas.	41	30	Ginner and Farmer.		Dem.	Jones, Shackelford.
Rowland, Chas. H.	106	Anson.	Miss.	50	36	Editor and Farmer.	27th, 36th.	Dem.	Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Hanford, Sherman, Dallam.
Satterwhite, Lee.	125	Panhandle.	Ark.					Dem.	
Schweppa, Ebert.	83	Sagin.	Texas.	35	35	Lawyer.	36th.	Rep.	Guadalupe.
Seagler, R. E.	25	Palatine.	Texas.	37	37	Attorney.		Dem.	Anderson.
Shearer, Dr. A. R.	17	Mount Belview.	Iowa.	49	28	Physician and Rice Farmer.		Dem.	Chambers, Galveston.
Sims, O. L.	112	Paint Rock.	Mo.	39	39	Ranchman.		Dem.	Concho, Coleman.
Smith, John T.	58	Austin.	Ala.	51	35	Attorney.	35th, 36th.	Dem.	Travis.
Sneed, J. H.	41	McKinney.	Texas.	57	57	Merchant.		Dem.	Collin.

111	Ballinger	Ky.	54	40	Merchant.	35th, 36th.	Dem.	Rumels, Coke.
74	Victoria	Texas	23	11	Farmer	.....	Dem.	Victoria, Gifford, Calhoun.
118	Bardsdale	Texas	50	22	Teacher and Ranchman	.....	Dem.	Edwards, Real, Bandera, Kerr, Kimble, Sutton, Crockett, Mason, Menard.
120	Balmorhea	N. Y.	49	9	Farmer and Alfalfa Dealer	36th.	Dem.	Glasscock, Reeves, Peos, Loving, Ward, Winkler, Gruns, Upton, Reagan, Ector, Midland, Martin, Howard.
270	Tyler	Ala.	76	64	Retired Farmer and Banker	.....	Dem.	Smith.
150	Brownwood	Texas	36	36	Lawyer	.....	Dem.	Brown, Callahan.
324	Fort Worth	Texas	63	54	Farmer and Stockman	.....	Dem.	Farhart.
91	Crauger	Ark.	53	34	Fire Insurance	36th.	Dem.	Williamson.
40	Lewisville	Texas	41	41	Real Estate and Farm Loans	.....	Dem.	Denton.
60	Groesbeck	Texas	48	44	Lawyer	35th, 36th.	Dem.	Lamont, Lane.
15	Nacogdoches	Texas	46	49	Stockman, Lumberman	35th, 36th.	Dem.	Nacogdoches.
33	Houston	Texas	50	54	Lawyer	36th.	Dem.	Harris.
30	Carville	Texas	55	53	Farmer	35th.	Dem.	Red River.
80	Elwkins	Texas	52	52	Farmer	.....	Dem.	Woods, Ruins.
89	Audlin	Texas	56	56	Lawyer	.....	Dem.	Travis.
53	Levell	Ky.	67	49	Farmer	34th, 35th, 36th.	Dem.	Johnson.
90	Wadley	Tenn.	42	20	Railroad Conductor	.....	Dem.	Holmes.
9	Kimbille	Texas	34	34	Merchant	36th.	Dem.	Newton, Jasper, Sabine.
58	Waller	Texas	39	39	Real Estate and Insurance	.....	Dem.	Freestone, Navarro.
6	Teague	Texas	53	10	Farmer	.....	Dem.	Rusk.
70	La Grange	Texas	55	56	Merchant and Farmer	Amr.	Amr.	Payette.
85	San Antonio	Texas	45	45	Lawyer	.....	Dem.	Bozar.
42	Denison	Ala.	49	28	Dairy Farmer	.....	Dem.	Grayson.
61	Waco	Texas	53	53	Lawyer	32nd, 33rd 34th, 35th, 36th.	Dem.	McLennan.
21	Conroe	Texas	57	57	Lawyer	36th.	Dem.	Montgomery, Grimes.
100	Mesagard	Ky.	42	40	Merchant and Banker	36th.	Dem.	Clay, Archer.

OFFICERS OF THE HOUSE OF REPRESENTATIVES, THIRTY-SEVENTH LEGISLATURE.

Name.	Postoffice.	Nativity.	Age.	in 1890	Occupation.	Sessions Served in.	Official Position.
Adrian, J. C.	Austin.	Texas.	70	70	Carpenter.	30th to 36th, inc.	Assistant Sergeant-at-Arms.
Basford, O. P.	Austin.	Texas.	62	62	Clerk.	29th to 36th, inc.	Reading Clerk.
Brown, N. K.	Dallas.	Texas.	29	29	Insurance.	Part of 36th.	Chief Clerk.
Gordon, N. A.	Fort Worth.	Mo.	54	3	Lawyer.	Member 24th, 30th.	Assistant Reading Clerk.
Jackson, M. G.	Eastland.	Ala.	76	54	Retired Farmer.	Doorkeeper 36th.	Doorkeeper.
Mitchell, J. C.	Austin.	Fla.	61	54	Minister of Gospel.	35th, 36th.	Chaplain.
Robinson, J. L.	Austin.	Texas.	58	58	Farmer.	23rd to 36th, inc.	Journal Clerk.
Robinson, Mrs. J. T.	Austin.	Texas.	54	54	Publisher.	36th.	Engrossing Clerk.
Robinson, J. T.	Austin.	Ky.	56	35	Publisher.	29th to 36th, inc.	Enrolling Clerk.
Watson, Daniel E.	Austin.	Texas.	23	23	Mechanic.	36th.	Calendar Clerk.
White, Joe W.	San Antonio.	Texas.	72	50	Retired Farmer.	36th.	Sergeant-at-Arms.
Dunaway, H. T.	Sherman.	Tenn.	21	21	Student.	34th, 35th, 36th, 37th.	Doorkeeper.
Granberry, C. R.	Austin.	Texas.	21	21	Student.		Secretary to Speaker.

STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES.

THIRTY-SEVENTH LEGISLATURE.

AGRICULTURE.

Messrs. Williams of McLennan, chairman; Westbrook, vice-chairman; Barrett of Bell, Quicksall, Childers, Lauderdale, Bryant, Lindsey, McKean, Martin, Edwards, Melson, Duffey, Stevenson, Garrett, Greer, Laney, Looney, Beasley of Hopkins, Miller of Parker, Veatch.

APPROPRIATIONS.

Messrs. Satterwhite, chairman; Quaid, vice-chairman; Bass, Thomason, Henderson of Marion, Aikens, Thompson of Harris, Mott, Morris of Medina, Thrasher, King, Adams, Rountree, Stephens, Wright, Moore, West, Beasley of McCulloch, McKean, Barrett of Bell, Williams of McLennan.

BANKS AND BANKING.

Messrs. Beasley of McCulloch, chairman; Garrett, vice-chairman; Hall, Laney, Cummins, Hendricks, Aiken, Beavens, Thompson of Harris, Lackey, West, Miller of Dallas, Wright, Wallace, Brown, Rosser, Coffee, Melson, Branch, Rice, Swann.

CLAIMS AND ACCOUNTS.

Messrs. Stephens, chairman; Lawrence, vice-chairman; Bonham, Mathes, Schweppe, Sweet of Brown, Quicksall, Merriman, Barrett of Bell.

COMMERCE AND MANUFACTURES.

Messrs. Bass, chairman; Barrett of Bell, vice-chairman; Dinkle, Barrett of Fannin, Harrison, Lindsey, Hanna, Looney, Sweet of Tarrant, Mott, Morgan.

COMMON CARRIERS.

Messrs. Horton, chairman; Owen, vice-chairman; Lawrence, Smith, Wadley, Fly, Bonham, Webb, Morris of Medina, Crawford, Laird, Martin, Rogers of Harris, Walker, Curtis, Pool, Marshall, Crumpton, Menking, Johnson of Blanco, Rowland.

CONGRESSIONAL DISTRICTS.

Messrs. Pool, chairman; Burkett, vice chairman; Seagler, Marshall, Jones, Morris of Medina, Miller of Dallas, Baker, Perkins of Cherokee, Rountree, West, Johnson of Wichita, Estes, Darroch, Merriman, Shearer, Thompson of Harris, Satterwhite, Barker, Sweet of Tarrant, Laird.

CONSERVATION AND RECLAMATION.

Messrs. Stewart of Reeves, chairman; Laney, vice-chairman; McLeod, Leslie, Neblett, Shearer, Perry, Johnson of Ellis, Pope, Stewart of Edwards, Johnson of Wichita, Branch, Kellis, Duncan, Sims, Melson, Neinast, Owen, Schweppe, Moore, Sneed.

CONSTITUTIONAL AMENDMENTS.

Messrs. John Davis of Dallas, chairman; Veatch, vice-chairman; Burkett, Cummins, Hill, Faubion, Mott, King, Baldwin, W. A. Black of Bexar, Chitwood, Miller of Dallas, Barker, Harrington, Burmeister, McCord, Rosser, Thorn, Estes, Crumpton, Neinast.

CONTINGENT EXPENSES.

Messrs. John E. Davis of Dallas, chairman; Duncan, vice-chairman; Grissom, Quinn, Moore.

COUNTIES.

Messrs. McFarlane, chairman; Childers, vice-chairman; Leslie, Morris of Montague, Thorn, Beasley of Hopkins, Coffee, Rogers of Harris, Thomas of Limestone, Laird, Wessels.

CRIMINAL JURISPRUDENCE.

Messrs. Seagler, chairman; McCord, vice-chairman; Henderson of McLennan, Beasley of Hopkins, Perkins of Cherokee, Fly, O. B. Black of Bexar, Miller of Parker, Henderson of Marion, Thrasher, Burns, Cox, Coffee, Williams of McLennan, Thompson of Red River, Binkley, Pool, Darroch, Burmeister, Johnson of Blanco, Swann.

EDUCATION.

Messrs. Thomason, chairman; Chitwood, vice-chairman; Teer, Adams, Sweet of Tarrant, Rosser, Dinkle, Branch, Sneed, Westbrook, Fugler, Hanna, Mathes, Faubion, Hendricks, Terry, Laird, Fly, Rice, Kacir, Greer.

ENGROSSED BILLS.

Messrs. Sneed, chairman; Patman, vice-chairman; Stewart of Edwards, Grissom, Martin.

ENROLLED BILLS.

Messrs. Faubion, chairman; Thrasher, vice-chairman; Mathes, Greer, Laird.

EXAMINATION OF COMPTROLLER'S AND TREASURER'S
ACCOUNTS.

Messrs. Brown, chairman; Wallace, vice-chairman; Hanna, Perkins of Lamar, Fugler, Lindsey, Edwards, Stevenson, Garrett, Aiken, Wessels.

FEDERAL RELATIONS.

Messrs. Estes, chairman; Williams of Montgomery, vice-chairman; Johnson of Ellis, Brady, Hendricks, Rice, Looney, Thompson of Red River, Thrasher, Morris of Medina, Mathes.

GAME AND FISHERIES.

Messrs. Wright, chairman; Walker, vice-chairman; McLeod, Merriman, Carpenter, Darroch, Smith, Patman, Williams of Montgomery, Curtis, Quicksall, Looney, Shearer, Perry, Thomason, Brady, Branch, Quinn, Lawrence, Johnson of Blanco, Horton.

INSURANCE.

Messrs. O. B. Black of Bexar, chairman; Pollard, vice-chairman; Teer, Pool, Henderson of McLennan, Hall, Greer, Horton, Baker, Cummins, Thompson of Harris, Hardin, Lackey, West, Adams, Williams of McLennan, Harrison, Wallace, Quinn, Duncan, John Davis of Dallas.

JUDICIAL DISTRICTS.

Messrs. Rosser, chairman; Quicksall, vice-chairman; Carpenter, Owen, Cox, Williams of Montgomery, McFarlane, Thompson of Red River, Binkley, Sweet of Brown, Darroch.

JUDICIARY.

Messrs. Cox, chairman; John Davis of Dallas, vice-chairman; Henderson of McLennan, Burkett, Cummins, Smith of Travis, Hill, Neblett, Seagler, Jones, Lackey, Baldwin, McFarlane, Thompson of Red River, Miller of Dallas, Schweppe, Melson, McCord, Rosser, Sweet of Brown, Curtis.

LABOR.

Messrs. Bonham, chairman; Brady, vice-chairman; Childers, Grissom, Malone, Thompson of Red River, Rice, Wadley, Hendricks, Webb, Crawford, Harrington, Rogers of Harris, Barrett of Fannin, Walker, King, Wright, Stephens, Stevenson, Sims, Burns.

LIQUOR TRAFFIC.

Messrs. Morris of Medina, chairman; Barker, vice-chairman; Hill, Rogers of Shelby, Swann, Thompson of Red River, Quicksall, Fugler, Harrison, Barrett of Fannin, Thorn, Hardin, Veatch, McKean, Harrington, McLeod, Lawrence, Wright, Morris of Montague, W. A. Black of Bexar, Burns.

MILITARY AFFAIRS.

Messrs. Thompson of Harris, chairman; Mathes, vice-chairman; Johnson of Ellis, Beavens, Stewart of Edwards, Thomason, Fugler, Quaid, Lauderdale, Martin, Kveton.

MUNICIPAL AND PRIVATE CORPORATIONS.

Messrs. Marshall, chairman; Malone, vice-chairman; Hill, Wadley, Morgan, Aiken, W. A. Black of Bexar, Schweppe, Laird, Perry, Garrett, Miller of Parker, Webb, Henderson of Marion, Rountree, Pope, Horton, Menking, Johnson of Ellis, Burns, Binkley.

OIL, GAS AND MINING.

Messrs. Curtis, chairman; Johnson of Wichita, vice-chairman; Bonham, Stewart of Reeves, Wadley, Beasley of Hopkins, Cummins, Merriman, Horton, Hall, O. B. Black of Bexar, Thomas of Limestone, McDaniel, King, Coffee, Kellis, Cox, Burkett, Perkins of Lamar, Lindsey, Menking.

PENITENTIARIES.

Messrs. Teer, chairman; Beavens, vice-chairman; Kacir, Baker, Lawrence, Beasley of Hopkins, Rogers of Shelby, Thompson of Harris, Mott, Barrett of Bell, Pollard, Coffee, Stephens, McFarlane, Chitwood, McKean, Bass, Seagler, Barker, Rogers of Harris, Sneed.

PRIVILEGES, SUFFRAGE AND ELECTIONS.

Messrs. Darroch, chairman; Burns, vice-chairman; Seagler, Faubion, Perkins of Lamar, Bryant, Sneed, Dinkle, Duffey, Henderson of McLennan, Miller of Dallas, Perry,

Thomason, Sweet of Tarrant, Veatch, Stephens, O. B. Black of Bexar, Malone, Kveton, Swann, Perkins of Cherokee.

PUBLIC HEALTH.

Messrs. Rogers of Shelby, chairman; Shearer, vice-chairman; Childers, Perkins of Lamar, Owen, McLeod, Kacir, Brady, Harrison, Westbrook, Wallace, Harrington, Quinn, Dinkle, Carpenter, Baldwin, Curtis, Crumpton, Kveton, Lawrence, Coffee.

PUBLIC LANDS AND BUILDINGS.

Messrs. Jones, chairman; Baldwin, vice-chairman; Stevenson, Thrasher, Pollard, Stewart of Reeves, Rowland, Quaid, Chitwood, Kellis, Marshall, Schweppe, Neinast, Sweet of Tarrant, Kacir, Rice Westbrook, McDaniel, Bass, Kveton, Morris of Montague.

PUBLIC PRINTING.

Messrs. Kellis, chairman; Kacir, vice-chairman; McFarlane, Thomas of Limestone, Greer, Pollard, Lauderdale, Grisom, Miller of Parker, Swann, Satterwhite.

REPRESENTATIVE DISTRICTS.

Messrs. Crumpton, chairman; Johnson of Gillespie, vice-chairman; Patman, Shearer, Hendricks, Hanna, Wallace, Edwards, Crawford, Garrett, Bass, John E. Davis of Dallas, Wessels, Morris of Montague, Adams, Kellis, Coffee, Stewart of Reeves, Baldwin, Branch, Quaid.

REVENUE AND TAXATION.

Messrs. Lackey, chairman; W. A. Black of Bexar, vice-chairman; Stevenson, Thomas of Limestone, Merriman, Looney, Smith of Travis, Perkins of Cherokee, Henderson of Marion, Morris of Montague, Pope, West, Rountree, Fugler, Quaid, John Davis of Dallas, Johnson of Wichita, Melson, Brown of Wilson, Carpenter, Rice.

ROADS, BRIDGES AND FERRIES.

Messrs. Fly, chairman; Merriman, vice-chairman; Pool, Rowland, Wessels, McDaniel, Beavens, Patman, Morgan, Perkins of Cherokee, Baker, Estes, McLeod, Hall, Sims, Walker, Darroch, John E. Davis of Dallas, Crawford, Miller of Parker, Thomas of Limestone.

RULES.

Messrs. Miller of Dallas, chairman; Seagler, vice-chairman; Cox, Satterwhite, John Davis of Dallas.

SENATORIAL DISTRICTS.

Messrs. Hill, chairman; Morris of Montague, vice-chairman; Henderson of McLennan, Burkett, Marshall, Jones, Burmeister, Rosser, Pollard, Adams, Bryant, Veatch, Teer, Neinast, Neblett, Laird, Lindsey, Rowland, Henderson of Marion, Lackey, Melson.

STATE AFFAIRS.

Messrs. Hall, chairman; Pope, vice-chairman; Fly, Leslie, Shearer, Patman, Faubion, Carpenter, Baldwin, Johnson of Blanco, Brady, Rowland, W. A. Black of Bexar, Malone, John Davis of Dallas, Barker, Binkley, Brown of Wilson, Sweet of Tarrant, Menking, Miller of Parker.

STATE ELEEMOSYNARY AND REFORMATORY INSTITUTIONS.

Messrs. King, chairman; Adams, vice-chairman; Rogers of Shelby, Rice, Morgan, Moore, Johnson of Wichita, Sneed, Smith of Travis, Owen, Pollard, Lindsey, Harrison, Edwards, Thorn, Duffey, Hardin, Lauderdale, Laney, McDaniel, Williams of Montgomery.

STOCK AND STOCK RAISING.

Messrs. Bryant, chairman; Sims, vice-chairman; Quicksall, Neblett, Hanna, Beasley of McCulloch, Stewart of Reeves, Jones, Webb, Lackey, Quaid, Westbrook, Stewart of Edwards, Burmeister, Kellis, Duncan, Sweet of Brown, Crumpton, Bonham, Duffey, Hardin.

MEMBERS OF THE SENATE, THIRTY-SEVENTH LEGISLATURE.

Name.	District No.	Postoffice.	County.	Nativity.	Age.	Years in Texas.	Occupation.	Politics.	Served in Former Sessions.	Counties Comprising District.
Bailey, John H.	22	Cuero	DeWitt	Va.	55	32	Lawyer	Dem.	24th, 25th, 26th House; 33rd, 34th, 35th, 36th Senate.	Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.
Baugh, J. H.	26	Ballinger	Runnels	Texas	36	26	Lawyer	Dem.	.....	Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.
Bledsoe, W. H.	29	Lubbock	Lubbock	Texas	51	51	Lawyer	Dem.	35th, 36th House, 36th Senate.	Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Farmer, Deaf Smith, Randall, Armstrong, Donley, Collinsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Ochiltree, Lipscomb, Hansford, Sherman and Dallam.
Burhanan, A. C.	27	Temple	Bell	Texas	58	58	Stock Farmer	Dem.	35th, 36th Senate.	Bell, Coryell, Bosque and Hamilton.
Carlock, R. L.	30	Fort Worth	Tarrant	Tenn.	58	38	Lawyer	Dem.	35th House; 36th Senate.	Tarrant, Parker, Hood and Somervell.
Clarke, Dr. I. E.	18	Schulenburg	Fayette	Texas	60	60	Physician and Ranchman	Dem.	33rd, 34th, 35th, 36th Senate.	Colorado, Lavaca, Fayette and Austin.
Cousins, W. R.	14	Beaumont	Jefferson	Texas	40	40	Attorney and Farmer	Dem.	36th Senate.	Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.
Darwin, H. L.	3	Paris	Lamar	Texas	33	33	Farmer	Dem.	33rd, 34th Senate.	Lamar and Fannin.
Davidson, Lynch, Lieut. Gov.		Houston	Harris	Texas	48	48	Lumberman	Dem.	36th House; 36th Senate.	Harrison, Gregg, Rusk, Panola and Shelby.
Davidson, T. W.	8	Marshall	Harrison	Texas	44	44	Lawyer	Dem.	.....	Bowie, Cass, Morris and Marion.
Dorough, R. P.	1	Texarkana	Bowie	Texas	44	44	Lawyer	Dem.	36th Senate.	

MEMBERS OF THE SENATE, THIRTY-SEVENTH LEGISLATURE—Cont'd.

Name.	District No.	Postoffice.	County.	Nativity.	Age.	Years in Texas.	Occupation.	Politics.	Served in Former Sessions.	Counties Comprising District.
Dodley, R. M.	25	El Paso	El Paso	Ky.	.....	10	Contractor	Dem.	35th House; 36th Senate.	Hudneth, Kimble, Menard, Sutton, Schleicher, Tom Green, Sterling, Coke, Frisco, Brewster, Jeff Davis, Presidio, El Paso, Val Verde, Edwards, Kinney, Uvalde, Mason, Crockett, Medina, Zavala, Reeves, Maverick, Reagan, Terrell and Culberson.
Fairchild, I. D.	13	Lufkin	Angelina	Texas	44	44	Lawyer	Dem.	34th, 35th, 36th House.	Anderson, Cherokee, Houston, Adams and Trinity.
Floyd, Charles R.	2	Ansonia	Red River	Texas	39	39	Insurance and Real Estate.	Dem.	35th, 36th Senate.	Red River, Tarrant, Franklin, Hopkins and Delta.
Hall, W. L.	17	Wharton	Wharton	Texas	54	54	Lawyer	Dem.	33rd House; 33rd, 34th, 35th, 36th Senate.	Chambers, Galveston, Brazoria, Madison, Wharton.
Harr, D. Leon	12	Mexia	Limestone	Texas	34	34	Lawyer	Dem.	33rd House.	Limestone, Brazos, Robertson and Prentiss.
Hertberg, Harry	24	San Antonio	Bexar	Texas	37	37	Lawyer	Dem.	36th Senate.	Bexar, Bandera, Kendall, Gillespie, Kerr, and Real.
Lewis, H. L.	15	Navasota	Grimes	Ala.	52	47	Lawyer	Dem.	.....	Grimes, Montgomery, Walker, Leon, Madison, Polk, San Jacinto.
McMillin, D. S.	4	Whitewright	Grayson	Mo.	62	29	Grain Dealer	Dem.	34th, 35th, 36th House.	Grayson and Cooke.
McNealus, J. C.	6	Dallas	Dallas	N. Y.	70	47	Editor	Dem.	29nd, 33rd, 34th, 35th, 36th Senate.	Dallas and Rockwall.
Murphy, Charles	16	Houston	Harris	Texas	36	36	Lawyer	Dem.	35th, 36th House.	Harris, Fort Bend and Waller.
Page, Paul D.	19	Bastrop	Bastrop	Ala.	53	49	Lawyer and Banker.	Dem.	34th, 35th, 36th Senate.	Washington, Burleson, Lee and Bastrop.
Parr, A.	23	Benevides	Duval	Texas	60	60	Stockman	Dem.	34th, 35th, 36th Senate.	Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmitt, La Salle, Willacy, Jim Wells, Brooks, Jim Hogg and Kleberg.

Richards, C. F.	21	Lockhart	Caldwell	Texas	32	32	Lawyer	Dem.	36th, 36th House	Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.
Rogers, Woodville	5	McKinney	Collin	Tenn.	30	27	Lawyer	Dem.	34th, 36th House	Collin, Hunt and Rains.
Russell, J. A.	28	Eastland	Eastland	Texas	32	32	Lawyer	Dem.		Palo Pinto, Stephens, Eastland, Taylor, Callahan, Nolan, Mitchell, Howard, Martin, Andrews, Glascock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.
Suiter, W. D.	7	Winnaboro	Wood	Illinois	50	40	Lawyer	Dem.	34th, 35th, 36th Senate.	Wood, Smith, Upshur, Van Zandt and Camp.
Watts, W. E.	10	Cleburne	Johnson	Texas	54	54	Insurance and Bonds	Dem.		Johnson, Hill and Ellis.
Williams, Grinn	31	Decatur	Wise	Miss.	49	42	Banker	Dem.		Wise, Denton and Montague.
Witt, Edgar E.	11	Waco	McLennan	Texas	46	45	Lawyer	Dem.	34th House; 36th Senate.	McLennan, Falls and Millam.
Wood, A. E.	20	Granger	Williamson	Texas	35	35	Lawyer	Dem.		Williamson, Travis, Burnet and Lampasa.
Woods, J. H.	9	Corrigan	Navarro	Tenn.	63	48	Lawyer	Dem.	32nd, 33rd, 34th, 36th House; 36th Senate.	Navarro, Henderson and Kaufman.

OFFICERS OF THE SENATE, THIRTY-SEVENTH LEGISLATURE.

Name.	Postoffice.	County.	Nativity.	Occupation.	Political.	Age.	Years in Texas.	Official Position.	Served in Former Sessions.
Davidson, Lynch, Lt. Gov.	Houston.....	Harris.....	Texas.....	Lumberman.....	Dem.	48	48	President.....	36th House, 36th Senate 4th Called Session.
Pace, Paul D.	Bastrop.....	Bastrop.....	Alabama.....	Lawyer and Banker.....	Dem.	53	49	Pres. Pro Tem., Regular.	34th, 35th, 36th Senate.
Floyd, Charles R.	Ammona.....	Red River.....	Texas.....	Insurance and Real Estate.....	Dem.	39	39	Pres. Pro Tem., Ad Internam.	35th, 36th Senate.
Howerton, W. V.	Austin.....	Travis.....	Missouri.....	Clerk.....	Dem.	50	27	Secretary.....	33rd, 34th, 36th Senate.
Holt, A. W.	Loring.....	Young.....	Texas.....	Student.....	Dem.	25	25	Asst. Secretary.....	26th, 29th, 30th 31st, 32nd, 33rd 34th Senate.
Glincoe, R. M.	Center.....	Shelby.....	Texas.....	Editor and Pub.....	Dem.	45	45	Journal Clerk.....	33rd 34th Senate.
Collins, Mrs. Josephine.	Dallas.....	Dallas.....	Missouri.....	Secretary.....	Dem.	45	40	Asst. Journal Clerk.....	36th Senate, Called Session.
Ross, E. P.	Cold Springs.....	San Jacinto.....	Texas.....	Student.....	Dem.	20	20	Sergeant-at-Arms.....	31st, 32nd, 33rd, 34th, 35th, 36th Senate.
Herrbuelle, M. F.	Morgan.....	Boeque.....	Texas.....	Stock Farmer.....	Dem.	67	67	1st Asst. Sg't-at-Arms.....	36th Senate.
Cosgrove, John E.	Austin.....	Travis.....	Louisiana.....	Retired Printer.....	Dem.	76	75	2nd Asst. Sg't-at-Arms.....	36th Senate.
Midgiff, Morris.	Austin.....	Travis.....	Texas.....	Student.....	Dem.	20	20	3rd Asst. Sg't-at-Arms.....	36th Senate, Called Session.
Gardner, John E.	Dallas.....	Dallas.....	Texas.....	Student.....	Dem.	39	39	Calendar Clerk.....	36th Senate.
Harris, Mrs. Jennie.	Austin.....	Travis.....	Texas.....	Bookkeeper.....	Dem.	39	39	Asst. Calendar Clerk.....	36th House.
Boss, Carl L.	Austin.....	McLennan.....	Texas.....	Student.....	Dem.	27	27	Enrolling Clerk.....	36th House.
Mixon, Edward.	Waco.....	McLennan.....	Texas.....	Cotton Classifier and Bookkeeper.....	Dem.	36	36	Engraving Clerk.....	36th Senate.
Brunniemi, W. H.	Amarillo.....	Potter.....	Arkansas.....	Retired Stock Farmer.....	Dem.	75	53	Doorkeeper.....	36th Senate.
Faulk, John.	Corpusa.....	Navarro.....	Alabama.....	Retired Farmer.....	Dem.	81	71	Asst. Doorkeeper.....	33rd, 34th, 35th, 36th Senate.
Smith, Mrs. Clyde.	Austin.....	Travis.....	Pa.....	Mailing Clerk.....	Dem.	26	26	Postmaster.....	33rd, 34th, 35th, 36th Senate.
McMind, Mrs. Frances.	Houston.....	Harris.....	Canada.....	Newspaper Writer.....	Dem.	33	11	Librarian.....	36th Senate.
Morgan, Rev. S. H.	Elgin.....	Bastrop.....	Texas.....	Executive Org.....	Dem.	63	63	Chaplain.....	35th, 36th Senate.
Reese, T. B.	Austin.....	Travis.....	Texas.....	Minister.....	Dem.	35	35	Private Sec. to Lt. Gov.....	32nd, 33rd, 34th, 35th, 36th House.
Brooks, S. Raymond.	Beaumont.....	Jefferson.....	Louisiana.....	Lawyer.....	Dem.	26	13	Asst. Sec. to Lt. Gov.....	36th Senate, Called Session.

STANDING COMMITTEES OF THE SENATE.

THIRTY-SEVENTH LEGISLATURE.

AGRICULTURAL AFFAIRS.

Parr, chairman; Clark, vice-chairman; Floyd, Suiter, Murphy, Buchanan, Russell.

CIVIL JURISPRUDENCE.

Bailey, chairman; Carlock, vice-chairman; Woods, Page, Hertzberg, Dorough, Bledsoe, Hall, Lewis, McMillin, Davidson.

COUNTIES AND COUNTY BOUNDARIES.

Russell, chairman; Buchanan, vice-chairman; Cousins, Harp, Baugh, Darwin, Watts.

CONSTITUTIONAL AMENDMENTS.

Woods, chairman; Davidson, vice-chairman; Dorough, McNealus, Murphy, Witt, Hall, McMillin, Bledsoe.

CONTINGENT EXPENSE.

Cousins, chairman; Suiter, vice-chairman; Clark, Baugh, Watts.

COMMERCE AND MANUFACTURES.

Murphy, chairman; Baugh, vice-chairman; Watts, Wood, Fairchild, Davidson.

CRIMINAL JURISPRUDENCE.

Hertzberg, chairman; Suiter, vice-chairman; Woods, Hall, Parr, Dorough, Rogers, Fairchild, Dudley.

EDUCATIONAL AFFAIRS.

Witt, chairman; Hertzberg, vice-chairman; Floyd, Suiter, Lewis, Rogers, Richards, Cousins, Russell, McMillin, Darwin.

ENGROSSED BILLS.

Harp, chairman; Floyd, vice-chairman; Dorough.

ENROLLED BILLS.

Darwin, chairman; Rogers, vice-chairman; Cousins.

FEDERAL RELATIONS.

Lewis, chairman; Woods, vice-chairman; Davidson, Carlock.

FINANCE.

Dudley, chairman; Clark, vice-chairman; Carlock, Woods, Cousins, Lewis, Hertzberg, McMillin, Page, Fairchild, Rogers, Williams, Wood.

INSURANCE AND BANKING.

Page, chairman; McMillin, vice-chairman; Carlock, Fairchild, Witt, Williams, Dudley, Clark, Floyd, Watts.

INTERNAL IMPROVEMENTS.

McNealus, chairman; Bailey, vice-chairman; Cousins, Carlock, Buchanan, Parr, Murphy, Darwin.

JUDICIAL DISTRICTS.

Richards, chairman; Witt, vice-chairman; Davidson, Hall, Harp, Watts.

LABOR.

McNealus, chairman; Page, vice-chairman; Murphy, Clark, Parr, Buchanan, Russell, Bledsoe, Williams, Cousins, Fairchild.

MINING, IRRIGATION AND DRAINAGE.

Bledsoe, chairman; Dudley, vice-chairman; Murphy, Russell, Williams, Hall, Bailey.

MILITARY AFFAIRS.

Baugh, chairman; Rogers, vice-chairman; McNealus, Clark, Witt, Darwin, Bledsoe.

NOMINATIONS BY THE GOVERNOR.

Floyd, chairman; Wood, vice-chairman; Richards, Hertzberg, Carlock, Suiter, Lewis.

PRIVILEGES AND ELECTIONS.

Dorough, chairman; Cousins, vice-chairman; Darwin, Buchanan, Bailey, Murphy, McNealus.

PUBLIC BUILDINGS AND GROUNDS.

Buchanan, chairman; Murphy, vice-chairman; Harp, Wood, Watts.

PUBLIC PRINTING.

Rogers, chairman; Clark, vice-chairman; Floyd.

PUBLIC LANDS AND LAND OFFICE.

Davidson, chairman; Darwin, vice-chairman; Witt, Bledsoe, Dudley, Russell, Fairchild.

PUBLIC HEALTH.

Hall, chairman; McNealus, vice-chairman; Clark, Floyd, Rogers, Bledsoe, McMillin.

PUBLIC DEBTS, CLAIMS AND ACCOUNTS.

Fairchild, chairman; Richards, vice-chairman; McNealus, Buchanan, Baugh, Suiter, Cousins.

ROADS, BRIDGES AND FERRIES.

McMillin, chairman; Davidson, vice-chairman; Floyd, Woods; Witt, Williams, Dudley.

RULES.

Dorough, chairman; Hall, vice-chairman; Davidson, Hertzberg, Witt.

SENATORIAL DISTRICTS.

Suiter, chairman; Fairchild, vice-chairman; Page, Richards, Darwin, Bailey, McMillin, Russell, Baugh, Clark, Bledsoe, Floyd.

STATE AFFAIRS.

Carlock, chairman; Dorough, vice-chairman; Wood, Hertzberg, Witt, Dudley, Bailey, Williams, Parr, McNealus.

STATE INSTITUTIONS AND DEPARTMENTS.

Wood, chairman; Lewis, vice-chairman; Richards, Fairchild, Harp, Clark, Watts.

STATE PENITENTIARIES.

Williams, chairman; Bledsoe, vice-chairman; Richards, Hertzberg, Lewis, Harp, Woods.

STOCK AND STOCK RAISING.

Clark, chairman; Harp, vice-chairman; Dudley, Buchanan, Parr, Williams, Bledsoe, Murphy.

TOWN AND CITY CORPORATIONS.

Watts, chairman; Russell, vice-chairman; McNealus, Baugh, Carlock, Dorough.

CONGRESSIONAL DISTRICTS.

Lewis, chairman; Fairchild, vice-chairman; Parr, Harp, Darwin, Page, Richards, Baugh, Buchanan, Williams, Murphy, Cousins.

REPRESENTATIVE DISTRICTS.

Fairchild, chairman; Richards, vice-chairman; Woods, Russell, McNealus, Baugh, Buchanan, Davidson, Rogers.

NEWSPAPER CORRESPONDENTS.

THE ASSOCIATED PRESS.

H. K. Lewis, J. A. Fernandez.

THE GALVESTON NEWS, THE DALLAS NEWS, THE DALLAS JOURNAL.

W. M. Thornton, Walter Hornaday, John Sneed.

THE SAN ANTONIO EXPRESS.

E. S. Newton, Clay Grobe, A. L. Marek.

THE UNITED PRESS.

E. S. Newton.

TEXAS AFTERNOON NEWSPAPERS.

J. A. Fernandez.

INTERNATIONAL NEWS SERVICE.

Frank Baldwin.

**BEAUMONT JOURNAL, HOUSTON PRESS, DALLAS DISPATCH,
WACO NEWS TRIBUNE, ORANGE LEADER, PORT AR-
THUR NEWS.**

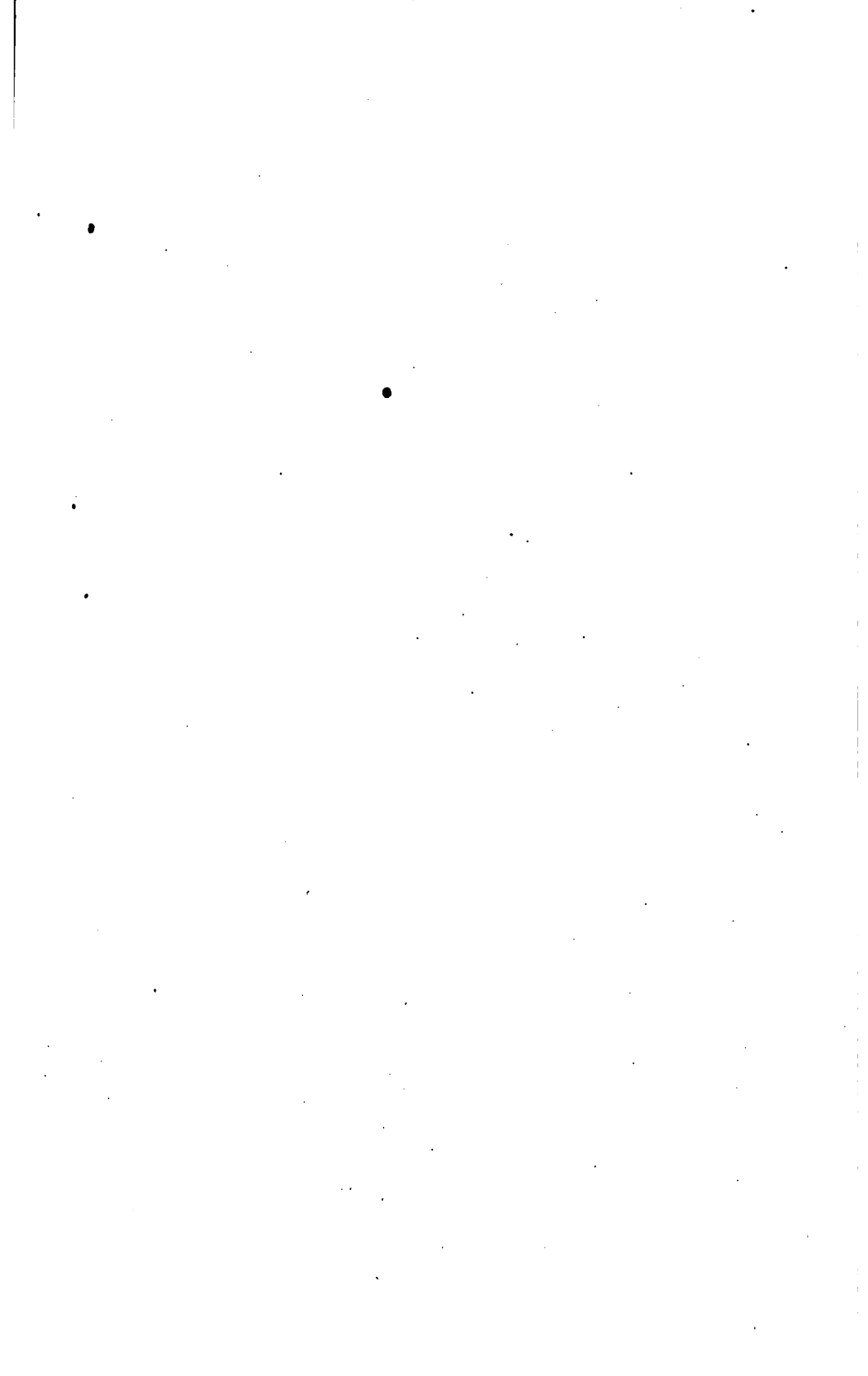
Frank Baldwin.

FORT WORTH STAR TELEGRAM.

Silliman Evans.

THE AUSTIN STATESMAN.

J. A. Fernandez.



INDEX TO UNITED STATES CONSTITUTION.

	Art.	Sec.	Page.
APPELLATE COURTS—			
Jurisdiction of.....	3	2	17
APPOINTMENT OF OFFICERS—			
By President.....	2	2	16
APPORTIONMENT—(See Representatives.)			
ARMY—			
Raised and supported by Congress.....	1	8	11
ATTAINDER—			
Bills of, not to be passed by Congress, or by a State	1	9	12
BAILS, FINES AND PUNISHMENTS—			
Amendment VIII.....	..	1	21
BANKRUPTCY—			
Uniform law by Congress.....	1	8	11
CAPITATION TAX—			
Not to be levied by Congress, unless in proportion to census.....	1	9	12
CITIZENS—			
Granted equal protection of the laws in all the States. Amendment XIV.....	..	1	23
Interstate privileges of.....	4	2	18
Right to vote. Amendment XV.....	..	1	25
CITIZENSHIP—			
Privileges not to be abridged by State laws. Amendment XIV.....	..	1	23
COINS—			
Domestic and foreign, value to be fixed by Congress	1	8	11
COMMERCE—			
Regulation of, by Congress.....	1	8	11
Regulation of, preference not to be given to any State	1	9	12
CONSTITUTION—			
Ratification of.....	7	1	20
Supreme law of the land.....	6	2	19
CONSTITUTIONAL AMENDMENTS—			
How submitted.....	5	1	19

CONGRESS—	Art.	Sec.	Page.
Annual meeting of.....	1	4	9
Consists of two houses.....	1	1	7
Election of members of.....	1	4	9
Laws, how enacted.....	1	7	10
Legislative powers vested in.....	1	1	7
Limitation of powers granted to.....	1	9	12
Amendment I.....	..	1	20
Powers granted to.....	1	8	11
Power of, relating to. Amendment XIV.....	..	5	25
Power of, relating to. Amendment XV.....	..	2	25
Power to designate place of trial, when.....	3	2	17
Resolutions, how passed.....	1	7	10
Restriction on powers of.....	1	9	12
Amendment I.....	..	1	20
Revenue laws, to originate in House.....	1	7	10
Special sessions, how called.....	2	3	16
To legislate for Federal District.....	1	8	11
When adjourned by President.....	2	3	16
COPYRIGHTS—			
Securing of.....	1	8	11
COURTS—			
Inferior, established by Congress.....	1	8	11
Supreme	3	1	17
Jurisdiction of.....	3	2	17
Jurisdiction of, not in certain cases. Amend- ment XI.....	..	1	22
CRIMES—			
Trial of.....	3	2	17
Amendments V, VI.....	..	..	21
CRIMINAL PROCEEDINGS—			
Amendments V, VI.....	..	..	21
DEBT—			
Public guarantee of. Amendment XIV.....	..	4	24
DEBTS—			
Public, contracted for prior to adoption of Con- stitution, valid.....	6	1	19
Direct tax only in proportion to census.....	1	9	12
DUTIES—			
Power of Congress to lay and collect.....	1	8	11
ELECTION—(See Congress; President; Senators.)			
FRANCHISE—			
Not to be deniel on account of race, etc. Amend- ment XV.....	..	1	25
Not to be denied on account of sex. Amend- ment XIX.....	..	1	26
ELECTORAL VOTE—			
Time for casting.....	2	1	14

INDEX TO UNITED STATES CONSTITUTION. 269

	Art.	Sec.	Page.
EXECUTIVE DEPARTMENT.....	2	..	14
EXPORTS—			
Duties on State, not to be levied by Congress...	1	9	12
EX POST FACTO LAW—			
Not to be passed by Congress.....	1	9	12
FEDERAL DISTRICT—			
Governed by Congress.....	1	8	11
FUGITIVES—			
From justice.....	4	2	18
From service.....	4	2	18
GOVERNMENT—			
State, form of.....	4	4	19
HABEAS CORPUS—			
Writ of, not to be suspended by Congress.....	1	9	12
HOUSE OF REPRESENTATIVES—			
How composed.....	1	2	7
Adjournment of.....	1	5	9
Apportionment of members.....	1	2	7
Amendment XIV.....	..	2	24
Journals of.....	1	5	9
Impeachment, sole power of.....	1	2	7
Members, sole judge of qualifications of.....	1	5	9
Members, punishment of.....	1	5	9
Officers of.....	1	2	7
Qualification of members.....	1	2	7
Quorum of.....	1	5	9
Revenue laws, originate in.....	1	7	10
Rules of.....	1	5	9
Vacancies, how filled.....	1	2	7
IMMIGRATION—			
Power of Congress in relation to.....	1	9	12
IMPEACHMENT—			
All civil officers liable to removal from office by	2	4	16
House of Representatives has sole power of.....	1	2	7
Judgment in.....	1	3	8
Trial by Senate.....	1	3	8
INCOME TAX—			
Congress may levy. Amendment XVI.....	..	1	25
INTOXICATING LIQUORS—			
Manufacture, sale, etc., of, prohibited. Amend-			
ment XVIII.....	..	1	25
JUDICIAL PROCEEDINGS—			
Of each State, entitled to full faith and credit in			
every other State.....	4	1	18

	Art.	Sec.	Page.
JUDICIAL DEPARTMENT.....	3	..	17
JUDICIAL POWER—			
Of the United States, does not extend to what.			
Amendment XI.....	..	1	22
Of courts in general.....	3	2	17
JURY TRIAL—			
Right of.....	3	2	17
Amendments V, VI, VII.....	..	..	21
In civil cases. Amendment VII.....	..	1	21
In criminal cases. Amendment VI.....	..	1	21
LAW—			
Constitution, the laws and treaties declared supreme law of the land.....	6	1	19
LAWS—			
How enacted	1	7	10
Congress directed to enact.....	1	8	11
LEGISLATIVE DEPARTMENT.....	1	..	7
LIMITATIONS—			
On power of Congress.....	1	9	12
LOANS—			
On credit of United States.....	1	8	11
MILITIA—			
Calling forth of.....	1	8	11
Provisions for.....	1	8	11
Rights reserved, to States.....	1	8	11
State, right to bear arms. Amendment II.....	..	1	20
MILITARY AND NAVY—			
Rules for government made by Congress.....	1	8	11
MONEY—			
Coined by Congress.....	1	8	11
Punishment for counterfeiting, Congress to pro- vide	1	8	11
To be drawn from Treasury only by regular ap- propriation	1	9	12
Value of, to be fixed by Congress.....	1	8	11
NATURALIZATION—			
Uniform rules by Congress.....	1	8	11
NAVY—			
Provided and maintained by Congress.....	1	8	11
NOBILITY, TITLES OF—			
Not to be granted by the United States.....	1	9	12
OATH OF OFFICE.....	6	1	19
OFFICERS—(See House of Representatives; Sen- ate.)			

INDEX TO UNITED STATES CONSTITUTION. 271

PATENTS—	Art.	Sec.	Page.
Securing of.....	1	8	11
PEOPLE—			
Rights retained by. Amendment IX.....		1	21
PIRACIES—			
Defined and punished by Congress.....	1	8	11
POST OFFICES—			
Established by Congress.....	1	8	11
POWERS—			
Granted to Congress.....	1	8	11
Taken from States.....	1	10	13
Withheld from Congress.....	1	9	12
PRESIDENTIAL ELECTORS—			
Appointment and number of.....	2	1	14
Time of choosing.....	2	1	14
PRESIDENT OF UNITED STATES—			
Appointments by Commander-in-Chief.....	2	2	16
Adjourn Congress.....	2	3	16
Election of.....	2	1	14
Amendment XII.....		1	22
Extra session of Congress called by.....	2	3	16
Executive power vested in.....	2	1	10
Impeachment of.....	2	4	16
Message to Congress.....	2	3	16
Oath of office of.....	2	1	14
Powers of.....	2	2-3	16
Qualifications of.....	2	1	14
Salary of.....	2	1	14
Successor to, in case of disability.....	2	1	14
Term of office.....	2	1	14
Trial of.....	1	3	8
PRESS—			
Congress not to abridge freedom of. Amendment I ..		1	20
PRIVILEGE—			
Of Senators and Representatives.....	1	5	9
PROPERTY OF THE UNION—			
Control of.....	4	3	18
PROPERTY—			
Private, not to be taken for public use without just compensation. Amendment V.....		1	21
PUBLIC DEBT OF CONFEDERATION—			
Assumed	6	1	19
PUBLIC DEBT—			
Guarantee of. Amendment XIV.....		4	24
PUBLIC OFFICE—			
Disqualification for. Amendment XIV.....		3	24

PUNISHMENT—	Art.	Sec.	Page.
Cruel, prohibited. Amendment VIII.....	..	1	21
QUALIFICATIONS—(See Representatives; Senate.)			
RATIFICATION OF CONSTITUTION.....	7	1	20
RELIGION—			
Congress not to make laws relating to establishment of. Amendment I.....	1	1	7
RELIGIOUS TEST—			
For office not to be required.....	6	1	19
REPRESENTATIVES—			
Apportionment	1	2	7
Amendment XIV.....	..	2	24
Compensation of.....	1	6	10
Election of.....	1	2	7
Not to hold certain office during term.....	1	6	10
Officers of.....	1	2	7
Qualification of.....	1	2	7
Time of election.....	1	4	9
Vacancies, how filled.....	1	2	7
RESOLUTIONS—			
How passed.....	1	7	10
REVENUE LAWS—			
Originate in House.....	1	7	10
RIGHTS OF PEOPLE—			
Against searches and seizures. Amendment IV. ..	..	1	20
RIGHTS RESERVED—			
To the people. Amendment IX.....	..	1	21
SEARCH WARRANTS, ETC.—			
Regulation of issuance. Amendment IV.....	..	1	20
SEAT OF GOVERNMENT—			
Power of Congress relative to government of...	1	8	11
SENATE—			
Adjournment of.....	1	5	9
Composed of how many members.....	1	3	3
Amendment XVII.....	..	1	25
Impeachment, trial of.....	1	3	8
Impeachment, judgment in case of.....	1	3	8
Journals of.....	1	5	9
Members, sole judge of qualification of.....	1	5	9
Officers of.....	1	3	8
President of.....	1	3	8
Qualification of members.....	1	3	8
Quorum of.....	1	5	9
Rules of.....	1	5	9
Vacancies, how filled.....	1	3	8
Amendment XVII.....	..	1	25
See, also, Congress.			

SENATORS—	Art.	Sec.	Page.
Compensation of.....	1	6	10
Election of, time and manner of.....	1	4	9
How chosen, term.....	1	3	8
How classified.....	1	3	8
How expelled.....	1	5	9
How punished.....	1	5	9
Number of.....	1	3	8
Qualification of.....	1	3	8
Vacancies, how filled.....	1	3	8
SLAVERY—			
Prohibited. Amendment XIII.....		1	23
SLAVE TRADE—			
Power of Congress in relation to.....	1	9	12
SOLDIERS—			
Quarterming of. Amendment III.....		1	20
SPEECH—			
Freedom of. Amendment I.....		1	20
STATE RECORDS AND JUDICIAL PROCEED- INGS	4	1	18
STATES—			
Admission of new.....	4	3	18
Division of.....	4	3	18
Guaranteed protection against invasion, etc....	4	4	19
Guaranteed Republican form of government....	4	4	19
Powers prohibited to.....	1	10	13
STATE—			
Rights reserved to. Amendment X.....		1	22
SUPREME COURT—			
Judges of, salary and term of office.....	3	1	17
Jurisdiction of.....	3	2	17
Jurisdiction of, denied in certain cases. Amend- ment XI.....		1	22
TAXATION—			
Power of Congress to impose.....	1	8	11
TAXES—			
Direct, not to be levied by Congress, unless in proportion to census.....		9	12
Income. Amendment XVI.....		1	25
TERRITORIAL PROPERTY—			
Control of.....	4	3	18
TEST—			
Religious, not to be required.....	6	1	19
TITLES OF NOBILITY—			
Not to be granted by United States.....	1	9	12

TREASON—	Art.	Sec.	Page.
Conviction of.....	3	3	18
Defined	3	3	18
Punishment for, Congress to provide.....	3	3	18
TREATIES—			
Made by President.....	2	2	16
TRIAL—			
Mode of, in criminal proceedings. Amendment VI		1	21
In civil proceedings. Amendment VII.....		1	21
VACANCIES—(See Representatives; Senators.)			
VICE-PRESIDENT—			
Election of.....	2	1	14
Amendment XII.....		1	22
Impeachment of.....	2	4	16
President of Senate.....	1	3	8
VOTE—			
Right to by citizens. Amendment XV.....		1	25
Not to be abridged by States. Amendment XIV ..		2	24
Not to be abridged on account of sex. Amendment XIX.....		1	26
WAR—			
Declared by Congress.....	1	8	11
WEIGHTS AND MEASURES—			
Standard of, fixed by Congress.....	1	8	11

INDEX TO STATE CONSTITUTION.

A

ABSENCE—	Art.	Sec.	Page.
From State or United States does not forfeit rights	xvi	9	89
ACCOUNTS—			
To be kept by all officers.....	iv	24	50
ACCUSED—			
In criminal prosecutions, rights guaranteed..	i	10	29
ADDRESS—			
Judges removed upon.....	xv	8	87
Right of, secured to people.....	i	27	31
ADJOURNMENT—			
Of legislative houses, length of, etc.....	iii	17	34
ADOPTION—			
Of children.....	iii	56	42
AGRICULTURAL AND MECHANICAL COLLEGE—			
Appropriations for, to be made by legislature	vii	13	69
Taxation for support of.....	iii	48	30
University of Texas, A. and M. College a branch of.....	vii	13	69
AMENDMENTS TO THE CONSTITUTION—			
Mode prescribed.....	xvii	1	100
APPEALS—(See also Courts in Particular.)			
Criminal cases, State to have none in.....	v	26	62
Criminal cases, State to have none in.....	v	26	60
Supreme Court from Court of Civil Appeals..	v	3	52
APPEALS, CIVIL AND CRIMINAL COURTS OF—(See Courts.)			
APPOINTMENTS—			
County judge by consent, when regular one disqualified	v	16	58
District judges, by consent of parties when, etc	v	11	57
Duration of.....	iv	12	46
Governor to make what.....	iv	12	46
Notaries, how and by whom.....	iv	26	51
Supreme and Appellate Judges disqualified in a case.....	v	11	57
Suspended officers, etc., to fill place of.....	iv	25	51
Vacancies in Court of Criminal Appeals, filled how	v	4	53
Vacancies in Supreme Court, to fill by.....	v	2	51
Vacancies in other courts, to fill by.....	v	28	62

APPORTIONMENT—			Art.	Sec.	Page.
Representative Districts	iii	26			36
Senatorial Districts.....	iii	25			36
When to be made.....	iii	28			36
By ordinance until census.....	iii	28			36
APPROPRIATIONS—					
Bills of, may contain more than one account, etc.	iii	35			37
Extra compensation, none to be made for....	iii	44			39
Immigration, none to be made for.....	xvi	56			99
Laws of, to take effect when.....	iii	39			38
Length of time to cover, two years, except first legislature.....	viii	6			71
Monuments, etc., and historical documents, for	xvi	39			95
Private purposes, none to be made for.....	xvi	6			89
Religious sects, institutions, etc., none to be made for.....	i	7			28
Specific, must be.....	viii	6			71
Arbitration, shall be provided for by law....	xvi	13			90
ARMS—					
Right to bear.....	i	23			30
War and public disturbances, in time of, who not compelled to bear.....	xvi	47			97
Wearing of, legislature to regulate.....	i	23			30
ARREST —					
Senators and Representatives privileged from, when	iii	14			34
Voters privileged from, at election.....	vi	5			64
Assembly and petition, right of guaranteed...	i	27			31
ASSESSORS OF TAXES—					
Shall be elected for each county.....	viii	14			73
ASYLUMS—					
Inebriates, for, also to be established.....	xvi	42			96
Lands heretofore granted to, etc.....	vii	9			68
Taxation for support of.....	iii	48			39
ATTAINDER—					
No bill of.....	i	16			30
ATTENDANCE—					
On legislature enforced.....	iii	10			33
ATTORNEY GENERAL—					
Compensation of.....	iv	22			49
Duties	iv	22			49
Elected, when and how.....	iv	2			44
Election of.....	iv	22			49
Executive department, member of.....	vi	1			63
Impeachment of.....	xv	2			86
Ineligible to legislature.....	iii	19			34
Returns of election for, canvassed, and result declared, by whom.....	iv	3			44
Tie vote for, how chosen.....	iv	3			44

AUSTIN—	Art.	Sec.	Page.
City of, seat of government.....	iii	58	44
AVAILABLE SCHOOL FUND.....	vii	5	67

B

BAIL—			
And bailable offenses.....	i	11	29
Excessive not to be required.....	i	13	29

BALLOT—			
Numbered, shall be.....	vi	4	64
Votes in all elections by.....	vi	4	64

BANKS AND BANKING—			
Capital stock fully paid in and subscribed.....	xvi	16	90
Foreign corporations not to do.....	xvi	16	90
Incorporation for, by general law, to be authorized	xvi	16	90
Shareholders' liability.....	xvi	16	90
Regulated and controlled to secure depositors..	xvi	16	90

BARRATRY—			
To be defined and punished.....	xvi	29	93

BILL OF RIGHTS—			
Accused, rights of, guaranteed.....	i	10	29
Alteration, etc., of government, right of.....	i	2	27
Arms, keeping and bearing, and regulation of..	i	23	30
Assembling and petitioning, right of.....	i	27	31
Attainder, no bill of.....	i	16	30
Bail, right to.....	i	11	29
Bail, no excessive.....	i	13	29
Bill of rights inviolate and excepted out of powers, etc.....	i	29	31
Compensation for property taken.....	i	17	30
Conscience and religion, freedom of.....	i	6	28
Constitution of United States, subject to.....	i	1	27
Contracts, obligations of, not to be impaired...	i	16	30
Corruption of blood, conviction not to work...	i	21	30
Courts shall be open.....	i	13	29
Debts, no imprisonment for.....	i	18	30
Due course of law, remedy by, etc.....	i	13	29
Entailments never to be in force.....	i	26	31
Equal rights, no exclusive privilege, but, etc..	i	3	27
Ex post facto, retroactive, etc., laws not to be passed	i	16	30
Forfeiture of estates, conviction not to work..	i	21	30
Free institutions, maintenance of.....	i	1	27
Government by and for the people.....	i	2	27
Government, pledged to republican form of..	i	2	27
Government, local self.....	i	1	27
Habeas corpus, writ of not to be suspended; duty of legislature.....	i	12	29
Immunities and privileges, no irrevocable.....	i	17	30
Indictment by grand jury, etc.....	i	10	29

BILL OF RIGHTS—Continued.	Art.	Sec.	Page.
Jeopardy of life and liberty, second, forbidden	i	14	29
Jury, determine law and facts under direction, etc.	i	8	28
Jury, grand, indictment by, etc.	i	10	29
Jury, trial by, inviolate.	i	15	30
Jury, trial in criminal cases.	i	10	29
Liberty of speech and the press.	i	8	28
Life, liberty and property secured.	i	19	30
Military subordinate to civil authority.	i	24	31
Ministry and worship, no compulsion to support	i	6	28
Monopolies forbidden.	i	26	31
Oaths and affirmations administered, how, and taken under penalty of perjury.	i	5	28
Outlawry or transportation, no.	i	20	30
Perpetuities not allowed.	i	26	31
Perpetuity of the Union.	i	1	27
Political power inherent in people.	i	2	27
Press and speech, liberty of.	i	8	28
Primogeniture never to be in force.	i	26	31
Property of State not to be appropriated to what	i	7	28
Property to be secured.	i	19	30
Punishment, unusual, etc., forbidden.	i	13	29
Quartering of soldiers.	i	25	31
Religion and conscience, freedom of.	i	6	28
Religion, no compulsion to worship or ministry	i	6	28
Religious belief or opinion no disqualification from giving evidence.	i	5	28
Religious purposes, no State property appropriated to.	i	7	28
Religious sects, no appropriation for, etc.	i	7	28
Religious societies, etc., no preference or protection to.	i	6	28
Religious test, no, other than.	i	4	27
Search warrants, requirements, etc.	i	9	28
Seizure and searches, unreasonable, forbidden, etc.	i	9	28
Suicides, property of, descends how.	i	21	30
Suspension of law alone by Legislature.	i	28	31
Texas, free and independent.	i	1	27
Treason, defined.	i	22	30
Treason, testimony necessary to convict of.	i	22	30
Trial, second, after verdict forbidden.	i	14	29
Trial, speedy and public.	i	10	29
Truth of publication may be given in evidence, when.	i	8	28
BILLS—			
Amendments of, not to change original purpose	iii	30	37
Amended, altered, etc., by either house.	iii	31	37
Appropriation bills originate in house.	iii	33	37

BILLS—Continued.	Art.	Sec.	Page.
Appropriation bills may contain more than one subject.....	iii	35	37
Approval by Governor.....	iv	14	47
Enacting clause shall be what.....	iii	29	36
Committee must report on before consideration, etc.....	iii	37	38
Committee must report on when.....	iii	37	38
Defeated, not to be passed at same session....	iii	34	37
Discussion, free, of allowed.....	iii	32	37
Discussion dispensed with in case of necessity, and how.....	iii	32	37
Laws, all passed by.....	iii	30	37
Law, becomes a, how.....	iv	14	47
Originate in either house, except.....	iii	31	37
Passage, formalities in, required.....	iii	32	37
Read on three several days.....	iii	32	37
Read publicly.....	iii	38	38
Revenue bills originate in the house.....	iii	33	37
Signed by whom and how.....	iii	38	38
Subject, shall contain only one, except.....	iii	35	37
Title must embrace subject.....	iii	35	37
Veto by Governor.....	iv	14	47
BILLS OF ATTAINDER—			
Not to be made.....	i	16	30
BOARD OF EDUCATION—			
Composed of whom.....	vii	8	68
Invest school funds, how.....	vii	3	65
School bonds and funds.....	vii	5	67
BOARD OF EQUALIZATION—			
County commissioners.....	viii	18	74
BONDED DEBT—			
Legislature may levy tax to pay interest upon	iii	48	39
BONDS—			
School districts of.....	vii	3-3a	65-66
Of conservation and reclamation districts....	xvi	59	99
BRIBERY—			
Disqualifies whom, and when.....	xvi	5	88
Of officers, or in office, and penalty.....	xvi	41	95
Laws to be made to exclude from office, etc., for	xvi	2	88
BRIDGES—(See also Roads and Bridges.)			
Provided for by general laws.....	xi	2	78
Provisions to be made for.....	xvi	24	93
C			
CAPITAL, STATE—			
At Austin.....	iii	58	44

	Art.	Sec.	Page.
CAPITOL—			
Appropriation of land for building.....	xvi	57	99
CARRIERS, COMMON—			
Railroads declared to be.....	x	2	76
Rebates, drawbacks, etc., prohibited.....	xvi	25	93
CEMETERIES, GRAVEYARDS, ETC.—			
No special law as to.....	iii	56	42
CERTIORARI, WRIT OF—			
By District Courts.....	v	8	55
By Supreme Court, etc.....	v	8	55
CHALLENGE—			
To duel and effect of dueling.....	xvi	4	88
CHANGING NAMES—			
To be done by general law.....	iii	56	42
CHANGING VENUE—			
Regulated by general law (see Venue).....	iii	56	42
Power of, vested where.....	iii	45	39
CHILDREN—			
Adoption of.....	iii	56	42
CITIES AND TOWNS—(See Corporations, Municipal.)			
Chartered, how.....	iii	56	42
Chartered, how, where over 5,000 people.....	xi	5	78
Chartered, how, where under 5,000 people....	xi	4	78
Charter not to be changed by special law....	iii	56	42
Taxation by, limitation of.....	viii	9	72
Taxation by, where under 5,000 people.....	xi	4	78
Taxation by, etc., requirements and limitations	xi	5-9	78-80
Voters in.....	vi	3	64
CIVIL AUTHORITY—			
Superior to military.....	i	24	31
CLERKS—			
Of all courts of record ineligible to Legislature	iii	19	34
Of County Courts—			
Commissioners' Court, clerk of also.....	v	20	61
Compensation and fees.....	v	20	61
District Court, clerk of also in what counties	v	20	61
Elected.....	v	20	61
Recorder of county.....	v	20	61
Removed by District Court.....	v	24	62
Term of office.....	v	20	61
Vacancy filled by Commissioners.....	v	20	61
Of the Court of Criminal Appeals—			
Appointed by court.....	v	5	53
Bond of.....	v	5	53
Number of.....	v	5	53
Removed by court.....	v	5	53
Term four years.....	v	5	53

CLERKS—Continued.	Art.	Sec.	Page.
Of Courts of Civil Appeals—			
Appointed by court.....	v	6	54
Appointed, how.....	v	6	54
Compensation	v	6	54
Number, one for each court.....	v	6	54
Of District Courts—			
County and district also in what counties....	v	20	61
Elected by qualified voters.....	v	9	56
Removal, how and when.....	v	9	56
Removal, etc.....	v	24	62
Term of office two years.....	v	9	56
Of the Supreme Court—			
Appointed by the court.....	v	3	52
Bond of.....	v	3	52
Term, four years.....	v	3	52
Removed by the court.....	v	3	52
COLLECTOR OF TAXES—			
Elected in counties of over 10,000 population	viii	16	74
Sheriff shall be in counties under 10,000.....	viii	16	74
Term of office.....	viii	16	74
COLORED CHILDREN—			
Separate schools for.....	vii	6	67
COMMANDER IN CHIEF—			
Governor to be.....	iv	7	45
COMMISSIONER OF THE GENERAL LAND OFFICE—			
Compensation	iv	23	50
Elected, when and how.....	iv	2	44
Election, returns for, canvassed and results declared, etc.....	iv	3	44
Executive department, member of.....	iv	1	44
Fees by, to be paid into Treasury.....	iv	23	50
Impeachment and removal of.....	xv	2	86
Reside, where.....	iv	23	50
Term of office.....	iv	23	50
Tie vote for, how chosen then.....	iv	3	44
COMMISSIONER OF INSURANCE, HISTORY, ETC.—			
May be created.....	xvi	38	95
COMMISSIONERS, COUNTY, AND COUNTY COMMISSIONERS' COURT—			
Board of equalization for taxation.....	viii	18	74
Clerk, county, to fill vacancy of.....	v	20	61
Control, subject to supervisory by District Court	v	8	55
County attorney, vacancy in office of.....	v	21	61
County court, to provide terms of, etc.....	v	29	63
County divided into four precincts.....	v	18	60
Court, to compose with county judge.....	v	18	60
Four commissioners, one to each precinct....	v	18	60

COMMISSIONERS, COUNTY, AND COUNTY

COMMISSIONERS' COURT—Continued. Art.

	Art.	Sec.	Page.
Judge, county, to fill vacancy of.....	v	28	62
Jurisdiction of county affairs, etc., to be pre-			
scribed	v	18	60
Justice of peace, to fill vacancy of.....	v	28	62
Precincts, four.....	v	18	60
Removed by District Court.....	v	24	62
School lands, county, sale of.....	vii	6	67
Sheriff to fill vacancy of.....	v	23	62
Term of office, two years.....	v	18	60
Debt, restriction upon.....	xi	7	79
Debts and obligations due to, not to be re-			
leased by Legislature.....	iii	55	42
Legislation, no special, regulating affairs of..	iii	56	42
Legislation, no special, creating offices, etc....	iii	56	42
Poorhouses may be provided by counties....	xvi	8	89
Public property of, exempt from taxation			
and sale.....	xi	9	80
Railroad property within subject to taxation	viii	5	71
Railroad property, taxation of, by counties..	viii	3	71
School districts may be constituted.....	xi	10	80
Taxation, limitation of amount.....	viii	9	72
Tax, power to, and restrictions.....	xi	4	78
Tax, none to exceed what.....	xi	5	78
Taxes, cities, towns and counties may levy..	xi	6	79
Taxes collected in money only.....	xi	4	78
Taxes, exempt from, certain.....	viii	1	70
Tax, for road improvement, etc.....	iii	52	41
Taxes, regulations as to.....	xi	7	79
Taxes on railroads within.....	viii	5	71
Taxes, regulation as to certain.....	xi	1	78
Taxes, seawall, by certain counties.....	xi	7	79

CORPORATIONS, PRIVATE—

Abuse of chartered powers, laws to be passed			
to prevent.....	xii	4	81
Attorney General and district attorneys to			
keep under surveillance.....	xii	4	81
Created by general law only.....	xii	1	80
Franchises of, subject to control of Legislature	xii	3	80
Freights, fares, tolls, etc., of, under control of			
Legislature	xii	5	81
Incorporation of, general laws to be passed			
as to.....	xii	2	80
State or municipalities, not to subsidize....	iii	51	40
State or municipalities, not to hold stock in...	iii	52	41
State or municipalities, not to donate to or			
lend to	xi	3	78
State or municipalities, not to lend credit to	iii	52	41
Stocks and bonds of, restrictions upon.....	xii	6	81
Taxation of, power of not to be surrendered..	viii	4	71
Vested rights and existing grants not affected	xii	7	81

CORRUPTION OF BLOOD—

Conviction not to work.....	i	21	30
-----------------------------	---	----	----

COUNTIES—(See Corporations, Municipal.)	Art.	Sec.	Page.
Create, Legislature to.....	ix	1	74
Precincts, divided into.....	v	18	60
Unorganized, taxation in.....	viii	12	73
Unorganized, taxation in.....	viii	13	73
COUNTY ATTORNEY—			
Compensation	v	21	61
Duties	v	21	61
Elected where no district attorney resides, etc.	v	21	61
Information filed by.....	v	17	59
Removed by district judge.....	v	24	62
Term of office, two years.....	v	21	61
Vacancy, how filed.....	v	21	61
COUNTY CLERKS—(See Clerks.)			
COUNTY COMMISSIONERS—(See Commissioners, County.)			
COUNTY COURTS—(See Courts.)			
COUNTY JUDGES—(See Judges.)			
COUNTY OCCUPATION TAX—			
One-half of State tax.....	viii	1	70
COUNTY POORHOUSE.....			
Same	xi	2	78
COUNTY SCHOOL FUNDS AND LANDS—			
Invested, how.....	vii	6	67
Distributed to.....	vii	5	67
Lands	vii	6	67
COUNTY SEATS—			
Removal to be regulated by law.....	ix	2	75
Railroads going within three miles to pass through	x	9	77
Special law, none changing or locating.....	iii	56	42
COUNTY SURVEYOR—			
Duties to be prescribed.....	xvi	44	96
Term of office two years.....	xvi	44	96
COUNTY TREASURER—			
Duties, term of office, etc.....	xvi	44	96
Courthouses, to be provided by general law..	xi	2	78
COURTS—(In General.)			
Judgment, enforcement or effect of, not to be changed by special law.....	iii	56	42
Jurisdiction and practice in not to be changed by special law.....	iii	56	42
Open, shall be.....	i	13	29
Others than enumerated, may be created.....	v	1	51
Practice, rules of prescribed by Supreme Court	v	25	62

COURTS AND JUDGES—(In Particular.)	Art.	Sec.	Page.
Civil Appeals, and Judges of—			
Clerks of, appointed, etc.....	v	6	54
Created by constitution.....	v	1	51
Districts, State divided into three or more			
Supreme Judicial.....	v	6	54
Impeachment of judges.....	xv	2	86
Judges, Chief Justice and two associates.....	v	6	54
Judges, election of.....	v	6	54
Judges, disqualification and appointment.....	v	11	57
Judges, qualifications.....	v	6	54
Judges, salary \$3,500.....	v	6	54
Judges, removal by address.....	xv	8	87
Judges, term six years.....	v	6	54
Judgments conclusive on facts, etc.....	v	6	54
Jurisdiction defined.....	v	6	54
Sessions, time and place of holding.....	v	6	54
Transfer of pending cases from Court of			
Appeals.....	v	6	54
County, and Judges—			
Clerk of.....	v	20	61
Created.....	v	1	51
Habeas Corpus.....	v	16	58
Judge of, compensation, fees, etc.....	v	15	58
Judge of, conservator of peace.....	v	15	58
Judge of, elected.....	v	15	58
Judge, a commissioner.....	v	18	60
Judge of, qualifications.....	v	15	58
Judge, if a vacancy, how filled.....	v	28	62
Judge of, term of office two years.....	v	15	58
Judge, when disqualified, appointed, etc.....	v	16	58
Judge, removed how.....	v	17	59
Judge, removed how.....	v	24	62
Jury of six men.....	v	29	63
Jury of six men.....	v	17	59
Jury fee.....	v	17	59
Jurisdiction, appellate.....	v	19	60
Jurisdiction, appellate.....	v	16	58
Jurisdiction, criminal.....	v	16	58
Jurisdiction, Legislature may change.....	v	22	61
Jurisdiction, original.....	v	16	58
Jurisdiction, probate.....	v	16	58
Jurisdiction, none in county where criminal			
court unless.....	v	16	58
Mandamus, injunction and other writs may			
be issued by.....	v	16	58
Misdemeanor cases to be transferred to.....	v	17	59
Probate, appeals from in.....	v	8	55
Probate business.....	v	29	63
Terms of civil, criminal and probate business..	v	17	59
Terms of civil, criminal and probate business..	v	29	63
Criminal Appeals, and Judges—			
Clerk for each branch.....	v	5	53
Created.....	v	1	51

COURTS AND JUDGES—(In Particular.)	Art.	Sec.	Page.
—Continued.			
Criminal Appeals, and Judges—Cont'd.			
Habeas corpus, power to issue writ of.....	v	5	53
Judges disqualified, Governor to appoint.....	v	11	57
Judges, elected, three.....	v	4	53
Judges, removal and impeachment.....	xv	2	86
Judges, removal and impeachment.....	xv	8	87
Judges, salary \$4,000, qualifications.....	v	4	53
Judges, term of office six years.....	v	4	53
Judges, two a quorum.....	v	4	53
Judges, vacancy filled, how.....	v	4	53
Judges, vacancy filled, by.....	v	28	62
Jurisdiction defined.....	v	5	53
Jurisdiction, facts of may be ascertained by affidavit	v	5	53
Opinions in civil cases to be transferred.....	v	6	54
Terms of court, where held.....	v	5	53
Criminal District—			
When legislature may establish.....	v	1	51
Criminal District Courts of Harris and Galveston counties, etc.....	v	1	51
District, and Judges—			
Clerk of, qualifications, etc.....	v	9	56
Created	v	1	51
Habeas corpus, injunction and other writs, to issue.....	v	8	55
Judge appointed by consent, when.....	v	11	57
Judge, election, qualifications, salary and term	v	7	55
Judge, conservator of the peace.....	v	12	57
Judge, disqualified or absent, provision for....	v	7	55
Judge disqualified if interested.....	v	11	57
(See also xvi, sec. 6; iii)			
Judge may exchange districts.....	v	11	57
Judge, removal and impeachment.....	xv	2	86
Judges, removal by address.....	xv	8	87
Judges, removal by Supreme Court.....	xv	6	86
Judge, vacancies filled by Governor.....	v	28	62
Jurisdiction, appellate.....	v	8	55
Jurisdiction, original.....	v	8	55
Jurisdiction, control over Commissioners' Court	v	8	55
Jurisdiction to remove county officers, etc....	v	24	62
Terms of, special and semi-annual.....	v	7	55
Justice of the Peace, of—			
Appeals from, to County Court.....	v	19	60
Created	v	1	51
Jurisdiction, criminal and civil.....	v	19	60
Justice of, elected, term two years.....	v	18	60
Justices, removed by district court.....	v	24	62

COURTS AND JUDGES—Continued.	Art.	Sec.	Page.
Justices—			
Notary ex-officio.....	v	19	60
Vacancies filled, how and by whom.....	v	28	62
Precincts, number of in county and cities....	v	18	60
Time and place of holding.....	v	19	60
Supreme, and Judges—			
Austin, session at.....	v	3	52
Clerk appointed, etc.....	v	3	52
Created	v	1	51
District judges removed by.....	xv	6	86
Habeas corpus and other writs may issue....	v	3	52
Judges elected, and salary.....	v	2	51
Judges, impeachment.....	v	2	51
Judges, qualifications, term of office.....	v	2	51
Judges, removal of.....	xv	8	87
Judges, three; two a quorum.....	v	2	62
Judges, when disqualified Governor to com- mission	v	11	57
Judges, vacancies filled by Governor.....	v	2, 28	51-62
Jurisdiction, appellate and otherwise.....	v	3	52
Jurisdiction, facts of ascertained by affidavit..	v	3	52
Practice, rules of to make.....	v	25	62
Terms of court.....	v	3	52
Transfer of causes to Court of Appeals.....	v	8	55
CREDIT OF STATE			
Not to be loaned or given to any private purpose	iii	50	40
CRIMINAL PROSECUTIONS—			
Right of accused in.....	i	10	29
CRUEL AND UNUSUAL PUNISHMENT—			
None to be inflicted.....	i	13	29
D			
DEBATE—			
Privileged	iii	21	35
DEBT—			
No imprisonment for.....	i	18	30
DEBT, PUBLIC—			
Amount limited.....	iii	49	40
Created for what purposes.....	iii	49	40
Taxation for floating and sinking fund.....	iii	48	39
Taxation for payment of interest, etc.....	iii	48	39
DEPARTMENTS OF GOVERNMENT—			
Division of.....	ii	1	31
DESCENT—			
No special law changing rule.....	iii	56	42

INDEX TO STATE CONSTITUTION.

287

DISQUALIFICATION—	Art.	Sec.	Page.
Of judges.....	v	11	57
DISTRIBUTION—			
Of school fund.....	vii	5	67
DISTRICT ATTORNEY—			
Compensation, etc.....	v	21	61
Election, etc.....	v	21	61
DISTRICT COURTS, CLERKS, JUDGES—			
(See Courts in Particular.)			
DISTRICTS—			
Conservation and reclamation, creation of.....	xvi	59	99
Conservation and reclamation, taxation in.....	xvi	59	99
Courts, District, division for.....	v	7	55
Improvement, irrigation, etc., powers, etc.....	iii	52	41
Representative, State to be divided into.....	iii	26	36
School, provided for, etc.....	vii	3	65
Senatorial, State to be divided into.....	iii	25	36
Supreme Judicial.....	v	6	59
DIVISION—			
Of powers of government.....	ii	1	31
DIVORCE—			
Granted by district court under general law..	iii	56	42
DRAWBACKS AND REBATES—			
Prohibited	xvi	25	93
DUELING—			
Effect of, and challenge to.....	xvi	4	88
DUE PROCESS OF LAW—			
No deprivation without.....	i	19	30

E

EDUCATION AND FREE SCHOOLS—

(See also Schools.)

Board of.....	vii	8	68
County line districts; validation; bonds; taxation	vii	3a	66
Districts, etc.....	vii	3	65
Fund for schools available, taxes and interest authorized.....	vii	5	67
Fund, available, distributed to counties.....	vii	5	67
Fund inviolate.....	vii	5	67
Fund, permanent, defined.....	vii	5	67
Fund, perpetual, defined.....	vii	2	65
Fund, revenue set aside—amount, and how...	vii	3	65
Fund, taxes for.....	vii	3	65

EDUCATION AND FREE SCHOOLS—(Contd.)	Art.	Sec.	Page.
Lands, county school, sold how and by whom..	vii	6	67
Lands, county, proceeds of.....	vii	6	67
Lands, proceeds of, invested how.....	vii	4	66
Lands, purchasers of, no relief to.....	vii	4	66
Lands, set apart to be sold.....	vii	4	66
Maintenance and support of, to be provided..	vii	1	65
Separate schools for colored, etc.....	vii	7	68
ELECTION—			
Ballot, voting by.....	vi	4	64
Bribery, to secure, disqualifies.....	xvi	5	88
Contested, to be determined by law.....	iii	8	33
Executive officers, election of and returns for canvassed, etc.....	iv	3	44
In Legislature, manner of, etc.....	iii	41	38
In Legislature, vacancies, etc., how filled....	iii	13	33
For Legislature, general and regulated how...	iii	27	36
Laws regulating, to be passed.....	xvi	2	88
Laws, special, none as to conducting, etc....	iii	56	42
Laws, special, none as to creating offices, etc..	iii	56	42
Precincts, voting done only at that of voter's residence.....	vi	2	63
Regulations to be made to preserve purity in..	vi	4	64
School tax, for.....	vii	3	65
Undue influence therein to be prohibited....	xvi	2	88
Voters, privileged from arrest.....	vi	5	64
Voters, registration in cities.....	vi	4	64
ELECTORS—			
Bribery, perjury, etc., conviction of to be by law a disqualification.....	xvi	2	88
Qualified, foreigners, when.....	vi	2	63
Qualified, who are.....	vi	2	63
Qualified, who are in cities and towns.....	vi	3	64
Qualified, taxpayers only, when.....	vi	3	64
Qualified to vote for school tax, who.....	vii	3	65
Vote at precinct of residence.....	vi	2	63
Voters privileged from arrest.....	vi	5	64
Voters, registration in cities, etc.....	vi	4	64
Voting by ballot.....	vi	4	64
EMINENT DOMAIN—			
Right of, how exercised.....	i	17	30
ENTAILMENT—			
No law of to be passed.....	i	26	31
EQUALITY—			
Before the law.....	i	3	27
EQUITY—			
And law administered without distinction.....	v	8	55

INDEX TO STATE CONSTITUTION.

289

ESCHEATS AND FORFEITURES—	Art.	Sec.	Page.
Accruing under former constitutions, etc.....	xiii	1	81
Legislature to provide for and give effect to...	xiii	1	81
ESTATES—			
Administered in County Courts.....	v	16	58
EVIDENCE—			
Rule of not to be changed by special law.....	iii	56	42
EXCLUSIVE PRIVILEGES—			
None entitled to except.....	i	3	27
EXECUTIVE DEPARTMENT—			
Accounts kept by officers of.....	iv	24	50
Consists of whom.....	iv	1	44
Members of—elected how, etc.....	iv	2	44
Members of—election declared by whom.....	iv	3	44
Members of—contested election of, tie vote, etc.	iv	3	44
EXEMPTIONS AND PRIVILEGES FROM			
DUTIES—			
By general law only.....	xvi	43	96
EXEMPTIONS—			
Farm products, from taxation.....	viii	19	74
Homestead	xvi	50	97
Household furniture, from taxation.....	viii	1	70
Municipal property, from taxation.....	xi	9	80
Personal property, Legislature may exempt...	xvi	49	97
Public property, Legislature may exempt.....	viii	2	70
Wages, current.....	xvi	28	93
EXPENSES, INCIDENTAL—			
Legislature may levy tax to pay.....	iii	48	39
EX POST FACTO LAW—			
None to be made.....	i	16	30
EXPULSION—			
Of members of Legislature.....	iii	11	33
EXTRA SESSION OF LEGISLATURE—			
Restrictions upon, etc.....	iii	40	38
F			
FARM PRODUCTS—			
Exempt from taxation.....	viii	19	74
FELONY—			
Habeas corpus granted in, and by whom.....	v	8	55
Jurisdiction of, in district courts.....	v	8	55
Trial on indictment by grand jury.....	i	10	29
FENCE LAWS—			
Legislature may pass local.....	xvi	22	92

FINES—	Art.	Sec.	Page.
Excessive not to be imposed.....	i	13	29
Misdemeanors in, to be discharged by labor, etc.	xvi	3	88
Public roads, works, etc., to be utilized on.....	xvi	24	93
FISCAL AFFAIRS—(See Comptroller of Public Accounts.)			
FORCED SALE—			
Homestead	xvi	50	97
Personal property may be exempted from.....	xvi	49	97
Public property of municipalities.....	xi	9	80
FOREIGN CORPORATIONS—			
Not to do banking business.....	xvi	16	90
FORFEITURE—			
And escheat.....	xiii	1	81
FORFEITURE OF ESTATE—			
Conviction or suicide, not to work.....	i	21	30
FORGERY—			
Disfranchisement—laws to be passed causing..	xvi	2	88
Land titles of—laws to be passed for detec- tion of.....	xiii	6	83
FORTS, BARRACKS, ETC.—			
Of United States, sale or lease of lands for....	xvi	34	94
FRANCHISE—			
Citizen of, forfeited when.....	xvi	2	88
Citizen of, forfeited by due course of law, only.	i	19	30
Corporate and other, subject to control of Leg- islature	xii	3	80
Corporate and other, freights, tolls, etc., sub- ject to control and abrogation.....	xii	5	81
FREE SCHOOLS.....	vii	3	65
FRONTIER.			
Tax for protection of.....	iii	48	39
G			
GAME AND FISH—			
Local or special laws passed as to.....	iii	56	42
GARNISHMENT—			
Current wages not subject to.....	xvi	28	93
GENERAL PROVISIONS.....	xvi	1	87
GOVERNMENT—			
Pledged to republican form of.....	i	2	27
GOVERNMENT, POWERS OF—			
Divided into legislative, executive, judicial...	ii	1	31
Powers of one not to be exercised by others...	ii	1	31

GOVERNOR—	Art.	Sec.	Page.
Account for public money.....	iv	9	46
Advise Legislature by message.....	iii	40	38
Same	iv	9	46
Appoint Criminal Appeals and Supreme and other judges.....	v	2	51
Appoint Supreme and other judges, when.....	v	11	57
Appoint Railroad Commissioner, when.....	xvi	30	93
Appoint members of judiciary, when.....	v	28	62
Appoint officers when one suspended.....	xv	5	86
Appoint notaries, etc.....	iv	26	51
Board of Education, member of.....	vii	8	68
Chief executive officer.....	iv	1	44
Commander in chief.....	iv	7	45
Commissions, to sign.....	iv	20	49
Compensation	iv	5	45
Conduct foreign and interstate intercourse.....	iv	10	46
Elected how and by whom.....	iv	2	44
Elected when, etc.....	iv	3	44
Execute laws.....	iv	10	46
Fines, etc., remit.....	iv	11	46
Impeachment of.....	xv	2	86
Inaugurated when.....	iv	4	45
Inhibitions against.....	iv	6	45
Inspect books of officers, to.....	iv	24	50
Judges, remove on address.....	xv	8	87
Legislature, call extra session of.....	iii	5	32
Legislature, call extra session of.....	iv	8	45
Lieutenant Governor or President of Senate, take place of, when.....	iv	18	49
Mandamus, quo warranto, not subject to.....	v	3	52
Mansion, use of.....	iv	5	45
Message to Legislature.....	iv	9	46
Militia, call out.....	iv	7	45
Office, shall hold no other.....	iv	6	45
Orders and resolutions presented to.....	iv	15	48
Qualifications	iv	4	45
Pardons, reprieves, etc., grant, and commute sentences	iv	11	46
Printing contracts, approve.....	xvi	21	92
Proclamation of, as to amendments to Con- stitution	xvii	1	100
Require information, accounting, may.....	iv	24	50
Resides at Austin, except when.....	iv	13	47
Resolutions, orders, etc., to be presented to..	iv	15	48
Taxation, make estimates for.....	iv	9	46
Term of office two years.....	iv	4	45
Vacancies, fill, caused by suspension.....	xv	5	86
Vacancies, fill, of certain officers.....	iv	12	46
Vacancies, legislative, issue writ of election to fill.....	iii	13	33
Veto or approve bill, etc.....	iv	15	48
Veto power.....	iv	14	47

GRAND AND PETIT JURORS—(See also Art. Sec. Page.)		
Jury.)		
Felonies, indictment by.....	i	10 29
Number in District Court.....	v	12 57
Qualifications to be prescribed.....	xvi	19 91
Quorum to present bills, nine.....	v	13 57
GUARDIAN AND WARD—		
Jurisdiction over, in county court.....	v	16 58
Jurisdiction, appellate and general control—		
District Court.....	v	8 55
H		
HABEAS CORPUS—		
County court and judge, to issue when.....	v	16 58
Court of Appeals, and judges, issue.....	v	6 54
Court of Criminal Appeals and judges, issue..	v	5 53
District Court and judges, in felony, etc.,		
issue	v	5 53
Legislature to make remedy speedy and		
effectual	v	12 57
Supreme Court, etc., writ by.....	v	3 52
Suspended, writ of, never to be.....	i	12 29
HEALTH AND VITAL STATISTICS—		
Board of, may be established.....	xvi	32 94
HIGHWAYS—		
Railroads declared to be public.....	x	2 76
HISTORY OF TEXAS—		
Appropriations for preserving memorials, etc.,		
may be made.....	xvi	39 95
Records, rolls, etc., relating to Legislature,		
to provide for.....	xvi	45 96
HOME, CONFEDERATE.....	iii	51 40
HOMESTEAD—		
Defined—country and urban.....	xvi	51 97
Descends and vests, how.....	xvi	52 98
Exempt from forced sale.....	xvi	50 97
Homestead donations by State, to whom and		
quantity	xvi	6 89
Liens on invalid, except.....	xvi	50 97
Renting not to change character.....	xvi	51 97
Sales, pretended, void.....	xvi	50 97
HOMICIDE—		
Action for in favor of whom and recovery for		
what	xvi	26 93
HOUSE AND SENATE—(Provisions Common		
to Both.)		
Adjournment, length of, and how, and to		
where	iii	17 34
Arrest, members privileged from, when.....	iii	14 34

HOUSE AND SENATE—(Provision Common Art. to Both.)—(Continued.)	Sec.	Page.
Attendance of members compelled and how...	iii 10	33
Apportionment to determine districts and number of members.....	iii 28	36
Bribery of member of.....	xvi 41	95
Compensation, per diem and mileage.....	iii 24	35
Debate in, privileged.....	iii 21	35
Elect executive officers when.....	vi 3	64
Election of members.....	iii 27	36
Election of members, judge of, and of their qualifications	iii 8	33
Expulsion of members by.....	iii 11	33
Ineligible, members of, to other office.....	iii 18	34
Ineligible, other officers.....	iii 19	34
Ineligible, other officers charged with public money, until, etc.....	iii 20	35
Ineligible, Federal officers.....	xvi 12	89
Interest, personal or private to be disclosed, and not to vote.....	iii 22	35
Interest, shall have no, in contracts, etc.....	iii 18	34
Journal, shall keep.....	iii 12	33
Members not to vote for other members, when	iii 18	34
Oath of, prescribed.....	xvi 1	87
Officers, elect their own.....	iii 9	33
Open sessions, except Senate in executive.....	iii 16	34
Punish members.....	iii 11	33
Punish persons not members.....	iii 15	34
Quorum, two-thirds.....	iii 10	33
Removal from district vacates office.....	iii 23	35
Rules of proceeding, each to determine its...	iii 11	33
Vacancies provided for.....	iii 13	33
Viva voce elections in, except.....	iii 41	38
Yeas and nays, three may demand.....	iii 12	33

HOUSE OF REPRESENTATIVES, AND MEMBERS—(See House and Senate.)

Apportionment by districts.....	iii 26	36
Apportionment, when.....	iii 28	36
Appropriation and revenue bills originate in..	iii 33	37
Branch of Legislature, a.....	iii 1	32
Disabilities	iii 7	32
Elected for two years.....	iii 4	32
Impeachment, power of, vested in.....	xv 1	86
Number of, ninety-three to one hundred and fifty	iii 2	32
Organize temporarily.....	iii 9	33
Privileged from arrest.....	iii 14	34
Qualifications of.....	iii 7	32
Speaker, elect.....	iii 9	33

I

IDIOTS AND LUNATICS—

Guardians for, by county.....	v 16	58
Vote, cannot.....	vi 1	63

IMMIGRATION—	Art.	Sec.	Page.
No appropriation to be made for.....	xvi	56	99
IMMUNITIES AND PRIVILEGES—			
Not irrevocable or uncontrollable.....	i	17	30
IMPEACHMENT AND ADDRESS—			
Appointment by Governor, pending.....	xv	5	86
Concurrence of two-thirds required in.....	xv	3	86
Court of, the Senate.....	xv	3	86
House of Representatives, power of vested in	xv	1	86
Judges of District Court removed by Supreme			
Court	xv	6	86
Judges removed by address.....	xv	8	87
Judgment of, effect of.....	xv	4	86
Oath of Senators in cases of.....	xv	3	86
Officers, what, removed by.....	xv	2	86
Suspended, pending.....	xv	5	86
IMPRISONMENT FOR DEBT—			
Not to be any.....	i	18	30
INAUGURATION—			
Of Governor, when.....	iv	4	45
INCOME TAX—			
May be levied.....	viii	1	70
INCORPORATION—			
No local law of, as to ferries, bridges, cities,			
etc.	iii	56	42
INDEBTEDNESS TO STATE, COUNTY, ETC.—			
No power to release.....	iii	55	42
No relief to purchasers of University lands..	vii	15	70
Railroads by, to be enforced as contracted....	iii	54	42
INDICTMENTS AND PRESENTMENTS—			
Begin and conclude, how.....	v	12	57
Grand jury, nine may find, etc.....	v	13	57
Grand jury, to make, in felonies.....	i	10	29
Misdemeanors certified to county courts.....	v	17	59
Libel, jury to determine what, etc., in.....	i	8	28
INEBRIATE ASYLUMS—			
May be established.....	xvi	42	96
INELIGIBILITY—			
Bribery in procuring election.....	xvi	5	88
Congress, members of, etc.....	xvi	12	89
Defaulting collectors and officers.....	iii	20	35
Dueling	xvi	4	88
Holding office.....	iii	19	34
Legislators	iii	18	34
INFANTS—			
Not to vote.....	vi	1	63

INDEX TO STATE CONSTITUTION.

295

INFORMATIONS—	Art.	Sec.	Page.
Prosecutions by in county court.....	v	17	59
INJUNCTIONS—			
County court to issue.....	v	16	58
District Court to issue.....	v	8	55
INJURIES—			
Remedy for by due course of law.....	i	13	29
INTEREST AND USURY—			
Legal and contractual, fixed.....	xvi	11	89
INTOXICATING LIQUORS—			
Manufacture, sale, barter, etc., of, prohibited..	xvi	20	91
J			
JAILS—			
Construction of provided by general law.....	xi	2	78
JEOPARDY—			
Life and liberty.....	i	14	29
JOINT SESSIONS—			
Of Legislature on election of executive officers	iv	3	44
JOURNALS OF LEGISLATURE—			
Fact of signing of bills entered in.....	iii	38	38
Houses to keep and publish.....	iii	12	33
Yeas and nays entered on, when.....	iii	12	33
Yeas and nays entered on passage of emergency laws.....	iii	39	38
JUDGES—(See Courts in Particular.)			
Conservators of the peace.....	v	12, 15	57-58
Disqualified, when.....	v	11	57
Impeached, how.....	xv	2	86
Ineligible to Legislature.....	iii	19	34
Removed on address.....	xv	8	87
JUDICIAL DEPARTMENT—			
Branch of Government.....	ii	1	31
Courts established.....	v	1	51
JUDICIAL DISTRICTS—			
Provision for, etc.....	v	7	55
JUDICIAL DISTRICTS, SUPREME.....	v	6	54
JURISDICTION—(See also Courts in Particular.)			
Altered, and changed, in what courts by local laws	v	22	61
Altered and changed, not to be by special law	iii	56	42
JURY—			
Bribery, perjury, etc., to be made cause disqualifying from service on.....	xvi	2	88
Civil cases in, in District Court must be demanded, etc.....	v	10	56

JURY—(Continued.)	Art.	Sec.	Page.
Civil cases in, in county court must be demanded, etc.....	v	17	59
Composed of twelve in District Court.....	v	13	57
Composed of six in county court.....	v	17, 29	59-63
Grand jury composed of twelve.....	v	13	57
Indictment found by nine grand jurors.....	v	13	57
Libel, province of in trial of.....	i	8	28
Purity and integrity of to be maintained.....	i	15	30
Qualifications to be fixed, etc.....	xvi	19	91
Removal of certain county officers, trial by..	v	24	62
Verdict, number necessary to, nine or more, etc.	v	13	57
Verdict in case of disability of one or more..	v	13	57
Verdict, Legislature may require unanimity..	v	13	57

JUSTICE OF THE PEACE—
(See Courts in Particular.)

L

LABORERS—

Laws to be enacted for their protection.....	xvi	35	94
--	-----	----	----

LAND AND LAND OFFICE—

Capitol, land set aside to build.....	xvi	57	99
Certificates for, to be located in five years...	xiv	2	83
Certificates for, revived.....	xiv	2	83
Certificates for, located on public domain only	xiv	2	83
Certificates for, sold only to actual settlers...	xiv	4	84
General Land Office, one.....	xiv	1	83
General Land Office, self-sustaining from State	xiv	1	83
General Land Office, titles registered in.....	xiv	1	83
General Land Office, subordinate officers.....	xiv	1	83
Grants of land to railroads, and forfeiture of	xiv	3	84
Homestead, grants of, what, to whom.....	xiv	6	85
Mines and minerals. released by State.....	xiv	7	85
Time extended to complete surveys, etc., between Nueces and Rio Grande rivers.....	xiv	8	85

LAW—

Entailments of, none to be passed.....	i	26	31
Equity, and.....	v	8	55
Ex post facto, none to be passed.....	i	16	30
Impairing obligation of contracts, none to be passed	i	16	30
Land, of the, to be supreme, etc.....	i	13, 19	29-30
Primogeniture, of, none to be passed.....	i	26	31

LAWS, IN GENERAL—

Amended, revised, etc., not to be by reference to title.....	iii	36	37
Bill, not to become a law unless read, etc....	iii	32	37
Effective, when becomes, and exceptions.....	iii	39	38
Enacting clause "Be it enacted," etc.....	iii	29	36
Executed, caused to be by Governor.....	iv	10	46
General only to be passed in relation to—			
Adoption	iii	56	42

LAWS, IN GENERAL—Continued.	Art.	Sec.	Page.
General only to be passed in relation to—			
Aldermen, fees, powers and duties of.....	iii	56	42
All cases where general law can be made applicable	iii	56	42
Assessors and collectors, tax, relief of.....	iii	56	42
Cemeteries, public grounds, not of State...	iii	56	42
Changing name of person or place.....	iii	56	42
Collection of debts.....	iii	56	42
Constables, etc., fees, powers and duties of	iii	56	42
Corporations, banking, created by.....	xvi	16	90
Corporations, private, created by.....	xii	1	80
Courthouses, etc., construction of.....	xi	2	78
County seat, location or change of.....	iii	56	42
Deeds, informal or invalid.....	iii	56	42
Descent or succession.....	iii	56	42
Divorces	iii	56	42
Elections and voting places.....	iii	56	42
Estates of persons under disability affecting	iii	56	42
Evidence	iii	56	42
Exemption from public duty or service....	xvi	43	96
Fees, powers and duties of certain officers..	iii	56	42
Ferries and bridges wholly within State...	iii	56	42
Fines, forfeitures, penalties, money remitting	iii	56	42
Interest, rate of.....	iii	56	42
Internal improvements, incorporation of....	iii	56	42
Jails, bridges, courthouses, etc., construc-			
tion of.....	xi	2	78
Judgments, enforcing.....	iii	56	42
Judicial proceedings, practice, etc.....	iii	56	42
Judicial sales of real estate.....	iii	56	42
Jurors, summoning.....	iii	56	42
Justices and others, fees, powers and duties			
of	iii	56	42
Labor, etc., regulation of.....	iii	56	42
Legitimation	iii	56	42
Liens	iii	56	42
Limitation of actions.....	iii	56	42
Mining and manufacturing, etc., regula-			
tion of.....	iii	56	42
Minority, disability from.....	iii	56	42
Municipal affairs.....	iii	56	42
Municipal corporations, amending their			
charters	iii	56	42
Municipal officers, elections, powers and			
duties of officers.....	iii	56	42
Railroads, incorporation of.....	iii	56	42
Railroads, lands to.....	xiv	3	84
Roads, highways, streets and alleys.....	iii	56	42
Roads, town plats, streets or alleys, va-			
cating of.....	iii	56	42
School districts, offices and elections of off-			
cers therein.....	iii	56	42
Schools, public, and their support.....	iii	56	42
Taxation, exempting property from.....	iii	56	42

LAWS, IN GENERAL—Continued.	Art.	Sec.	Page.
General only to be passed in relation to—			
Taxation and taxes levied and collected by..	viii	3	71
Trade, labor, mining, etc., regulation of....	iii	56	42
Venue, changing.....	iii	56	42
Wills, informal and invalid.....	iii	56	42
Governor's approval of bills, veto, and pas- sage over.....	iv	14	47
Local and Special—			
Cities of over 5,000 may be chartered by...	xi	5	78
Counties and cities on gulf aided by, to build seawalls, breakwaters, etc.....	xi	8	80
Fence laws may be enacted.....	xvi	22	92
Fish and game, preservation of, by.....	iii	56	42
Jurisdiction of county courts may be changed by.....	v	22	61
Not to be passed enumerated.....	iii	56	42
Not to be made when general can be made applicable	iii	56	42
Notice, 30 days of intended application for, to be published.....	iii	57	44
Railroads not to be given land by.....	xiv	3	84
Roads and highways, maintenance of.....	viii	9	72
School districts without local notice, etc....	vii	3	65
Stock laws may be enacted.....	xvi	23	92
Passed by bills, must be.....	iii	30	37
Previous to Constitution to remain in force unless repugnant to.....	xvi	48	97
Revision of, when and how provided.....	iii	43	38
Stockholders, and public to be protected by..	vii	2	65
Suspended by Legislature only.....	i	28	31
LEGISLATURE—			
Agricultural and Mechanical College, may levy tax for.....	iii	48	34
Aid counties and cities on gulf to build sea- walls by donation of land.....	xi	8	80
Appropriations, no power to make for longer term than two years.....	viii	6	71
Appropriations, no power to make for private or individual purposes.....	xvi	6	89
Appropriations only to be made in pursuance of pre-existing law, by.....	iii	44	39
Arbitration, shall pass laws providing for....	xvi	13	90
Arms, shall regulate the wearing of.....	i	23	30
Asylums for inebriates, may establish.....	xvi	42	96
Asylum lands, shall provide for sale of.....	vii	9	68
Austin, convenes at.....	iii	58	44
Banks and banking, shall pass laws in refer- ence to.....	xvi	16	90
Barratry, to define and punish.....	xvi	29	93
Board of Health and Vital Statistics, to es- tablish	xvi	32	94
Brands of cattle, to regulate, etc.....	xvi	23	92
Cattle, stock, hides, etc., pass local laws re- lating to regulation and inspection of.....	xvi	23	92

LEGISLATURE—Continued.

	Art.	Sec.	Page.
Charter, cities of more than 5,000 population by special acts.....	xi	5	78
Charter, cities of less than 5,000 may not, by special law.....	xi	4	78
City or town may constitute a separate school district.....	xi	10	80
Committees	iii	37	38
Commissioner of Insurance, Statistics and History, may provide for office of.....	xvi	38	95
Compensation of officers, shall provide for...	iii	44	39
Compensation, no power to authorize or grant extra.....	iii	53	42
Compensation, when, shall not grant extra to officers, etc.....	iii	44	39
Composed of what bodies and whom, and style of.....	iii	1	32
Constitution, to enact laws to carry into effect provisions of.....	iii	42	38
Convened by Governor, when, etc.....	iii	5	32
Convenes, where, etc.....	iii	58	44
Convenes, where, etc.....	iv	8	45
Counties, shall have power to create, subject to conditions	ix	1	74
County courts, to change jurisdiction of and to conform to that of other courts.....	v	22	61
County seats, shall pass laws for regulation and pass removal of, subject to what.....	ix	2	75
County treasurer and surveyor shall prescribe duties, and provide for.....	xvi	44	96
Corporations, private, may create by general laws	xii	2	80
Credit of the State, no power to give or lend or authorize the giving, etc., for any purpose	iii	50	40
Credit of municipalities, no power to authorize lending, etc.....	iii	52	41
Debts due State, no power to release.....	iii	55	42
Debt, none to be created on part of State, except	iii	49	40
Disfranchising and disqualifying, to provide for, for bribery, forgery, etc.....	xvi	2	88
District attorneys, may provide for election and compensation of.....	v	21	61
District courts, may authorize holding of special terms of.....	v	7	55
District courts, criminal, may establish in cities	v	1	51
District courts, may provide for holding when judge absent or disqualified.....	v	7	55
Election of and tie vote for executive officers to be determined by, in joint session of.....	iv	3	44
Employ, not to, unless authorized by existing law	iii	44	39

LEGISLATURE—Continued.	Art.	Sec.	Page.
Exempt from forced sale, portions of personal property shall be.....	xvi	49	97
Exempt, the property of railway companies from execution, no power to.....	x	4	77
Fares, and freights on railroads, to pass laws establishing.....	x	2	76
Fares and freights, tolls and wharfage, may always annul or repeal right to demand....	xii	5	81
Fence laws, local, may pass.....	xvi	22	92
Fines, shall provide for commuting of in misdemeanors, etc.....	xvi	3	88
Forfeited lands, shall provide a method of determining.....	xiii	1	81
Forgers of land titles, shall pass laws for detection and conviction of.....	xiii	6	83
Forgery and other crimes to be made cause for disfranchisement, etc.....	xvi	2	88
Forta, barracks and military stations, to provide for authorizing Governor to lease and sell land for, to United States.....	xvi	34	94
Franchises, shall keep control of those granted	xii	3	80
Funds, school, no power to appropriate to any other purpose.....	vii	5	67
Funds, special, no power to divert or borrow..	viii	7	71
Funds, special, provide for penalty for withholding.....	viii	7	71
Game and fish, may pass local laws for the preservation of.....	iii	56	42
Governor's message to.....	iv	9	46
Governor to account to, for what.....	iv	9	46
Habeas Corpus, to enact laws to facilitate remedy of.....	i	12	29
History, etc., provide for office of commissioner of.....	xvi	38	95
History of Texas, provide for collecting documents relating to.....	xvi	45	96
History of Texas, shall make appropriations for preserving memorials of.....	xvi	39	95
Immigration, no power to grant money, for or to bureau of.....	xvi	56	99
Indebtedness to State and municipality, not to release.....	iii	55	42
Judicial districts, may increase or diminish....	v	7	55
Jurors, to provide qualifications of grand and petit.....	xvi	19	91
Jury, trial by, shall regulate and maintain purity of.....	i	15	30
Laborers, first session to provide for protection against default of contractor.....	xvi	35	94
Land Office, shall make self-sustaining and establish branches.....	xiv	1	83
Land, may grant to railroads by general law, when.....	xiv	3	84

LEGISLATURE—Continued.

	Art.	Sec.	Page.
Lands, shool, no power to grant relief to purchasers of.....	vii	4	66
Laws may be passed over Governor's veto, by..	iv	14	47
Liens, mechanics, to provide for speedy enforcement of.....	xvi	37	95
Liens on railroads, no power to release State's	iii	54	42
Live stock, to pass laws regulating, etc., local..	xvi	23	92
Local or special law authorizing enumerated subjects not to be passed.....	iii	56	42
Local or special law not to be passed where general law applicable.....	iii	56	42
Local law not to be passed except on required notice	iii	57	44
Lotteries, etc., to provide against, and evasions thereof	iii	47	39
Lunatics, shall provide for indigent.....	xvi	54	98
Medicine, regulate practice of.....	xvi	31	94
Mileage of members of, etc.....	iii	24	35
Militia, shall provide for organizing.....	xvi	46	97
Money, no power to grant public, to individuals or corporations.....	iii	51	40
Money, no power to grant for immigration..	xvi	56	99
Municipal corporations, consent necessary to authorize construction of street railways..	x	4	77
Municipal corporations, no power to authorize to aid or become stockholders in corporations, or lend credit to.....	iii	52	41
Municipalities and districts, may authorize to issue bonds and lend credit, when.....	iii	52	41
Municipalities and districts, no power to authorize payment of illegal claims against...	iii	53	42
Municipalities and districts, no power to release indebtedness due to.....	iii	55	42
Officers, provide compensation of.....	iii	44	39
Officers, executive, contested elections decided by, etc.....	iv	3	44
Officers may provide for trial and removal of, when	xv	7	87
Officers, to pass laws facilitating investigation of breaches of trust and provide for suspension of.....	iv	25	51
Officers, to provide for deduction of salary of when	xvi	10	89
Officers, etc., withholding of funds by, to be made penal.....	viii	7	71
Pensions, to provide annual for soldiers and others	xvi	55	98
Personal property, to provide for exemption of	xvi	49	97
Poll tax, may impose.....	viii	1	70
Powers of, restricted in respect to other branches of government.....	ii	1	31
Privileges, etc., granted, to be controlled by...	i	17	30
Public calamity, may grant aid in case of....	iii	51	40

LEGISLATURE—Continued.

	Art.	Sec.	Page.
Railroad companies, grant land to on what conditions	xiv	3	84
Railroad companies, pass laws preventing abuses, discrimination and extortion.....	x	1	75
Railroad companies, shall require to have office, etc., in State.....	x	3	76
Railroad fares and freights, etc., pass laws establishing	x	1	75
Railroads, may not exempt from execution..	x	4	77
Railroads, no power to release State's liens on.	iii	54	42
Railways, street, not to be authorized to construct without consent of municipality.....	x	7	77
Rebates, etc., to pass laws punishing for.....	xvi	25	93
Relief, no power to grant to purchasers of school land.....	vii	4	66
Relief, no power to grant to purchasers of University lands.....	vii	12, 15	69-70
Removal from office and trial, shall provide for, when.....	xv	7	87
Removal of county seats, provide for, how....	ix	2	75
Representative districts, shall apportion State into, when.....	iii	28	36
Revenue, purposes for which may be raised, enumerated	iii	48	39
Revision and digesting of laws, etc., to provide for.....	iii	43	38
Roads, to provide for laying out and working.	xvi	24	93
Salary of officers, provide for deduction of, when	xvi	10	89
School district, may constitute city or town, separate	xi	10	80
School districts, to provide for organization of	vii	3	65
School fund, no power to appropriate to any other purpose.....	vii	5	67
Schools, separate, for white and colored, shall provide	vii	7	68
Schools, public, shall provide for maintenance, etc., of.....	vii	1	65
Senatorial districts, shall divide State into, when	iii	28	36
Separate property of wife to be defined and provided for, registration of.....	xvi	15	90
Session, joint, to determine election of executive officers, etc., in.....	iv	3	44
Sessions at Austin.....	iii	58	44
Sessions, convened elsewhere, when.....	iv	8	45
Sessions to be biennial.....	iii	5	32
Sessions, special, only special business transacted at	iii	40	38
Sheriff's, prescribe duties, fees, etc., of.....	v	23	62
Special funds, no power to divert or borrow..	viii	7	71

INDEX TO STATE CONSTITUTION.

303

LEGISLATURE—Continued.	Art.	Sec.	Page.
Special funds, provide penalty for withhold- ing	viii	7	71
Street railways, no power to authorize with- out consent of whom.....	x	7	77
Supreme Judicial districts, shall divide State into	v	6	54
Suspending laws, alone to exercise power of..	i	28	31
Taxation, enumeration of subjects does not deprive from levying on other subjects.....	viii	17	74
Taxation may raise revenue by, for admin- istration of government, including purpose enumerated	iii	48	39
Taxes, provided for equalizing valuation and classification of property.....	viii	18	74
Taxes, first Legislature to provide for speedy sale of land for.....	viii	13	73
Taxes, may authorize, to be paid at Comp- troller's office, when and how.....	viii	11	73
Taxes, may exempt only designated property from	viii	2	71
Taxes, may impose poll, occupation and in- come	viii	1	71
Taxes, may provide for sale of lands of de- linquents	viii	15	73
Taxes, not to be levied by except for revenue.	iii	48	39
Taxes, no power to surrender those for which corporations are liable.....	viii	4	71
Taxes, no power to release those due except in case of public calamity.....	viii	10	72
Treasury warrants or notes, no power to issue as money	xvi	7	89
University, branch may be established for colored	vii	14	69
University of Texas, shall establish the.....	vii	10	68
University lands, provide for collection of debts due, for.....	vii	12	69
University lands, sale of 1,000,000 acres of, by	vii	15	70
University lands, no relief to purchasers of...	vii	12, 15	69-70
Usury, first Legislature to provide pains and penalties for.....	xvi	11	89
Vagrant laws, first Legislature to make ef- ficient	iii	46	39
Venue, shall provide for changes of.....	iii	45	39
Veto, passage over, etc.....	iv	14	47
Wharfage, may annul, repeal, etc., right to demand	xiii	5	83
Wife, define rights of, and provide for regis- tration of separate property.....	xvi	15	90
LEGITIMATION—			
No special law authorizing.....	iii	56	42
LIBEL	i	8	28

LIBERTY—	Art.	Sec.	Page.
Of conscience, etc.....	i	6	28
Of speech, press and opinion.....	i	8	28
LIENS—			
Mechanics and artisans, of.....	xvi	37	95
Special legislation upon the subject of, none to be.....	iii	56	42
State or municipality, those of, not to be released, etc.....	iii	54, 55	42
Taxes for.....	viii	15	73
LIEUTENANT GOVERNOR—			
Duties and powers.....	iv	16	50
Elected, how and when.....	iv	2, 3	44
Executive department, member of.....	iv	1	44
Governor, becomes, when, and how restricted then	iv	16, 18	48-49
Impeachment of.....	xv	2	86
President of Senate.....	iv	16	48
Salary and compensation.....	iv	17	48
Signs bills and resolutions.....	iii	38	38
Vacancy or absence of, duties performed by whom	iii	9	33
LIQUORS—			
Manufacture, etc., of intoxicating, prohibited.	xvi	20	91
LIVE STOCK—			
And stock laws.....	xvi	23	92
LOCAL AND SPECIAL LAWS—(See Laws in General.)			
LOTTERIES AND GIFT ENTERPRISES—			
To be prohibited.....	iii	47	39
LUNATICS AND IDIOTS—			
Asylums	vii	9	68
Asylum for indigents also to be established..	xvii	54	98
County Court has jurisdiction of.....	v	16	58
Not to vote.....	vi	1	63
M			
MANDAMUS, WRIT OF—			
County Courts, issued by.....	v	16	58
District Court, issued by.....	v	8	55
Governor not subject to.....	v	3	52
Supreme Court, issued by.....	v	3	52
MANSION—			
Used by Governor.....	iv	5	45
MEDICINE, PRACTICE OF—			
Malpractice punished.....	xvi	31	94
Preference to no school of medicine.....	xvi	31	94
Qualifications for, to be prescribed.....	xvi	31	94

INDEX TO STATE CONSTITUTION.

305

MESSAGE, GOVERNOR'S—	Art.	Sec.	Page.
Requirements as to time of.....	iv	9	46
MEXICAN AND SPANISH LAND TITLES..	xiii	1-7	81-83
MILEAGE—			
Amount of.....	iii	24	35
Comptroller to keep table of distances.....	iii	24	35
MILITIA AND MILITARY AUTHORITY—			
Governor Commander in Chief.....	iv	7	45
Governor may call out, to execute the law....	iv	7	45
Organization to be provided for.....	xvi	46	97
Subordinate to civil.....	i	24	31
MINES AND MINERALS—			
Released to owners of soil.....	xiv	7	85
MINISTRY—			
No man compelled to support.....	i	6	28
MINORS—			
Emancipated under general laws.....	iii	56	42
Estates of, not to be affected by local or special law.....	iii	56	42
Vote, no right to.....	vi	1	63
MISDEMEANORS—			
Laws to be made for discharging fines for, by labor	xvi	3	88
MONEY—			
Appropriate for sects, societies, etc., none to be	i	7	28
Appropriated for immigration purposes, none, to be.....	xvi	56	99
Appropriated for private or individual pur- poses, none to be.....	xvi	6	89
Appropriated by gift or grant to private or individual purposes.....	iii	48, 50	39-40
Appropriated for no longer than two years none except.....	viii	6	71
Confederate veterans, etc., granted to, when and how.....	iii	51	40
Drawn only in pursuance of specific appro- priations	viii	6	71
Statements concerning, to be published an- nually	xvi	6	89
Treasury warrants and notes—not to issue or circulate as.....	xvi	7	89
MONOPOLIES AND PERPETUITIES—			
Forbidden	†	26	31
MUNICIPAL CORPORATIONS—(See Corpora- tions, Municipal.)			

N

NAME—	Art.	Sec.	Page.
Change of person or place by general law only	iii	56	42
NATURAL RESOURCES—			
Conservation and development of.....	xvi	59	99
NEGLECT OF DUTY—			
By officers, to provide for deduction of salaries for.....	xvi	10	89
NEGLIGENCE—			
Causing death, gives civil action.....	xvi	26	93
NOTARY PUBLIC—			
Appointed how and by whom.....	iv	26	51
Justice of the peace ex-officio.....	v	19	60
NOTICE OF APPLICATION—			
For special or local law, length of, etc.....	iii	57	44

O

OATHS—			
Administered in manner most binding.....	i	5	28
Of office prescribed.....	xvi	1	87
Taken under pains and penalties of perjury..	i	5	28
OCCUPATION TAX—			
May be levied and imposed, to be uniform...	viii	1, 2	70
OFFICERS—			
Accounting officers not to pay those holding other offices.....	xvi	33	94
Accounts, keep.....	iv	24	50
Compensation of, provided by Legislature, except	iii	44	39
Compensation of to be deducted, when.....	xvi	10	89
Defaulting, ineligible to Legislature.....	iii	20	35
Disabilities	iii	18	34
Duration of office, two years only.....	xvi	30	93
Duration, continues until successor qualified, etc.	xvi	17	90
Executive, contested.....	iv	3	44
Federal, disqualified.....	xvi	12	89
Information under oath, to give.....	iv	24	50
Legislature to levy taxes to pay.....	iii	48	39
Legislature to pass laws for investigation of, etc.	iv	25	51
Lucrative office, holders of, ineligible to Legislature	iii	19	34
Lucrative office. exceptions enumerated.....	xvi	40	95
Municipal, no legislation creating or prescribing duties of, in certain.....	iii	56	42
Oath of.....	xvi	1	87
Penalized for withholding funds, to be.....	viii	7	71

OFFICERS—Continued.	Art.	Sec.	Page.
Prohibited from holding more than one office except	xvi	40	95
Removal and trial of, to be provided for.....	xv	7	87
Reports, making false, guilty of perjury.....	iv	24	50
Reside where.....	xvi	14	90
ORDERS, RESOLUTIONS, ETC.—			
Shall be presented to Governor.....	iv	15	48
OUTLAWRY AND TRANSPORTATION.....	i	20	30
P			
PARDONS AND REPRIEVES—			
May be granted by Governor, when.....	iv	11	46
PAUPER—			
Public, not to vote.....	vi	1	63
PEACE—			
Judges conservators of.....	v	12	57
PENSIONS—			
When, and to whom granted.....	xvi	55	98
When, and to whom granted.....	iii	51	40
PER DIEM AND MILEAGE—			
Of legislators.....	iii	24	35
PERJURY—			
Conviction of to be made cause of disfranchisement	xvi	2	88
Oaths and affirmations under pains, etc., of..	i	5	28
Officers making false reports guilty of.....	iv	24	50
PERMANENT SCHOOL FUND.....	vii	5	67
PERPETUITIES—			
Not allowed.....	i	26	31
PERSONAL EQUALITY.....	i	3	27
PEITION, RIGHT OF.....	i	27	31
PHYSICIANS—			
Malpractice by, punished.....	xvi	31	94
Qualifications of to be prescribed.....	xvi	31	94
Preference not to be made to any school of..	xvi	51	94
POLL TAX—			
Imposed, may be.....	viii	1, 2	70
Municipal debts, none for payment of.....	vi	3	64
Public schools to go to support of.....	vii	3	65
POLLS—			
In election precincts.....	vi	2	63
POORHOUSES—			
County may provide.....	xvi	8	89
Provide for by general law, to be.....	xi	2	78

POWERS OF GOVERNMENT—	Art.	Sec.	Page.
Divided into what and how restricted.....	ii	1	31
PRACTICE IN COURTS—			
Rules of to be made by Supreme Court.....	v	25	62
PRECINCTS—			
County commissioners, number and by whom divided	v	18	60
Election, residents shall vote in.....	iv	2	44
Justice, number and how divided.....	v	18	60
PRESIDENT OF SENATE—			
Becomes Governor when.....	iv	17	48
Lieutenant Governor, to be, when.....	iv	16	48
Pro tem. to be elected, when.....	iii	9	33
Sign bills, how and when.....	iii	38	38
PRESIDING OFFICER—			
Of each house to sign bills in presence of the House	iii	38	38
PRESS—			
Liberty of the.....	i	8	28
PRIMOGENITURE—			
No law of, to be made.....	i	26	31
PRINTING AND STATIONERY—			
To be let out by contract.....	xvi	21	92
PRISONERS—			
Bailable, when and how.....	i	11	29
PRIVILEGE—			
Exclusive, no man entitled to.....	i	3	27
Legislators, in debate.....	iii	21	35
Legislators, from arrest.....	iii	14	34
Or exemption from public duty only by gen- eral law.....	xvi	43	96
Voters, of, from arrest.....	vi	5	64
PROBATE—(See also Courts, County.)			
County courts established as.....	v	16	58
County courts have such business, and dis- pose of when.....	v	29	63
District Courts have appellate jurisdiction....	v	8	55
PROCESS—			
Compulsory, prisoners to have for witnesses..	i	10	29
Issue, not affected by the Constitution.....	xvi	53	98
Style of, prescribed.....	v	12	57
PRODUCTS OF THE FARM—			
To be made exempt from taxation, how.....	viii	19	74
PROPERTY—			
Compensation for taking of.....	i	17	30

INDEX TO STATE CONSTITUTION.

309

PROSECUTION—(See also Indictment and Art. Presentments.)	Sec.	Page.
Begins and concludes, how.....	v 12	57
In county court, how commenced.....	v 17	59
In felony cases.....	i 10	29
PUBLIC BUILDINGS—		
Tax may be levied to build and repair.....	iii 48	39
PUBLIC CALAMITY—		
Relief may be granted in case of.....	viii 10	72
PUBLIC CONTRACTORS—		
Compensation of, and restrictions.....	iii 44	39
PUBLIC HIGHWAYS—		
Railroads declared to be.....	x 2	76
PUBLIC GROUNDS AND CEMETERIES—		
Taxation for support of.....	iii 48	39
PUBLIC LANDS—		
See Lands and Land Office.....	xiv 1-8	83-85
PUBLIC PURPOSES—		
Taxes to be collected only for.....	viii 3	71
PUBLIC ROADS—		
Legislature to provide for.....	xvi 24	93
PUBLIC SCHOOLS—(See Schools.)		
PUBLIC USE—		
Compensation for property taken for.....	i 17	30
PUNISHMENT—		
Cruel or unusual, shall not be inflicted.....	i 13	29

Q

QUALIFICATIONS—		
Of electors.....	vi 3	64
Of Governor.....	vi 4	64
Of judges of county courts.....	v 15	58
Of judges of Court of Appeals.....	v 5	53
Of judges of District Courts.....	v 7	55
Of judges of Supreme Court and Court of Criminal Appeals.....	v 2	51
Of Lieutenant Governor.....	iv 16	48
Of Representatives.....	iii 7	32
Of Senators.....	iii 7	32
Of voters.....	vi 2	63
QUARANTINE—		
Taxation for enforcement of on coast.....	iii 48	39
QUORUM—		
Of Court of Appeals.....	v 4	53
Of jury in District Court.....	v 13	57
Of Senate and House.....	iii 10	33
Of Supreme Court.....	v 2	51

QUO WARRANTO—(See Various Courts.)	Art.	Sec.	Page.
Governor not subject to writ of.....	v	3	53

R

RAILROAD COMMISSION—

Created by law, may be.....	xvi	30	93
Members of, number, terms, vacancies, etc....	xvi	30	93

RAILROADS—

Agencies and means to be established by			
Legislature	x	2	76
Carriers, declared to be common.....	x	2	76
Carry passengers, etc., without delay or discrimination	x	1	75
Cars and tonnage of other roads to be carried without delay or discrimination.....	x	1	75
Charters, no special to be passed.....	iii	56	42
Connect with other roads at State line, may..	x	1	75
Connect or intersect with other roads, may..	x	1	75
Consolidation, by lease or otherwise with parallel or competing roads, forbidden....	x	5	77
Consolidation with foreign company forbidden	x	6	77
County seat, must pass through if within 3 miles	x	9	77
County taxation and assessment of, etc.....	viii	8	72
Directors of, to hold annual meeting upon giving 30 days' notice, and report.....	x	3	76
Discrimination, to receive and carry without	x	1	75
Execution, real and other property of, subject to.....	x	4	77
Extortion, etc., by, to be legislated against...	x	1	75
Fares, freights, etc., laws to be passed establishing	x	1	75
Foreign companies, not to consolidate with..	x	6	77
Freights and tariffs, laws to be passed concerning and establishing maximum charged and penalties therefor.....	x	2	76
Highways, public, declared to be.....	x	2	76
Incorporation, no special charters of.....	iii	56	42
Lands granted to, how and on what condition	xiv	3	84
Lands of, forfeited when.....	xiv	5	84
Lien of State on, not to be released or changed	iii	54	42
Municipal corporations, consent necessary to street railways.....	x	7	77
Municipal taxation of.....	viii	5	71
Officers, not to act as for competing roads....	x	5	77
Offices, must maintain public, in State.....	x	3	76
Passengers, to receive and carry without delay or discrimination.....	x	1	75
Rebates prohibited.....	xvi	25	93
Relief not to be granted except on condition of acceptance of Constitution.....	x	8	77
Reports under oath to Comptroller.....	x	3	76

RAILROADS—Continued.	Art.	Sec.	Page.
Records and books to be kept for inspection of stockholders.....	x	3	76
Rolling stock assessed in gross, and when....	viii	8	72
Rolling stock and movables to be considered personal property.....	x	4	77
Stock, transfers of to be made where.....	x	3	76
Street railroads must have consent of municipalities	x	7	77
Taxed, property of, to be, proportionately....	viii	8	72
Taxes collected, when.....	viii	8	72
Taxes collected for counties to be apportioned by Comptroller.....	viii	8	72
REBATES, DRAWBACKS, ETC.—			
Of insurance, freight, carriage, storage, etc., prohibited	xvi	25	93
REGISTRATION—			
Of wife's separate property to be provided for	xvi	15	90
Of voters in cities.....	vi	4	64
RELIEF DENIED—			
Purchasers of school lands.....	vii	4	66
Purchasers of University lands.....	vii	12, 15	69-70
Railway companies except on condition.....	x	8	77
State liens to be enforced according to original terms, etc.....	iii	54	42
RELIGION AND CONSCIENCE—			
Freedom of.....	i	6	28
RELIGIOUS SOCIETIES AND SECTS—			
To be protected; no preference given to; no appropriations to.....	i	6, 7	28
RELIGIOUS TEST—			
Evidence, in giving, prohibited.....	i	5	28
Qualifications for office, prohibited as a.....	i	4	27
REMEDY BY DUE COURSE OF LAW.....	i	13	29
REMOVALS FROM OFFICE—			
Address, who by.....	xv	8	87
Clerks of Supreme Court.....	v	3	52
Clerk of Court of Appeals.....	v	6	54
Clerk of District Courts.....	v	9	56
District Court, who by.....	v	24	62
Impeachment, who by.....	xv	2	86
Legislature to provide for.....	xv	7	87
Supreme Court, who by.....	xv	6	86
REPRESENTATIVE DISTRICTS.....	iii	26	36
REPRESENTATIVES, HOUSE OF, AND MEMBERS—			
(See House of Representatives.)			
(See House and Senate.)			

REPRIEVES, ETC.—	Art.	Sec.	Page.
Granted by Governor, when.....	iv	11	46
REPUBLICAN GOVERNMENT—			
Pledged to.....	i	2	27
RESIDENCE—			
Absence does not forfeit, when.....	xvi	9	89
Comptroller and Commissioner of General			
Land Office.....	iv	23	50
District, county and State officers.....	xvi	14	90
Governor	iv	13	47
Treasurer, State.....	iv	23	50
RESOLUTIONS—			
Approval, what to go to Governor for.....	iv	15	48
Defeated, not to be again considered.....	iii	34	37
Signed by whom, and read how.....	iii	38	38
RETROACTIVE LAWS—			
Not to be made.....	i	16	30
RETURNS OF ELECTION—			
Of executive officers, etc.....	iv	3	44
RETURNING OFFICER—			
To order election for members of Legislature, when	iii	13	33
REVENUE—			
Bills for, originate where.....	iii	33	37
Raised for what purpose.....	iii	33	37
Tax may be levied for assessing and collect- ing	iii	48	39
REVISION OF LAWS—			
Every ten years, etc.....	iii	43	38
Not governed by Sections 35 and 36, Art. iii..	iii	43	38
RIGHT OF ACTION—			
For homicide.....	xvi	26	93
Of property existing not affected.....	xvi	18	91
RIGHT OF ASSEMBLY.....	i	27	31
RIGHT OF CONSCIENCE.....	i	6	28
RIGHT OF PETITION.....	i	27	31
RIGHT OF TRIAL BY JURY.....	i	15	30
ROADS AND BRIDGES—			
Convict labor to be utilized on.....	xvi	24	93
General law to be provided for, on.....	xi	2	78
Legislature to make provisions for.....	xvi	24	93
Special law, maintenance of, on.....	viii	9	72
Special law relating to, not to be passed.....	iii	56	42
RULES OF ORDER—			
Determined by legislative houses.....	iii	11	33

S

SALARIES—(See Compensation.)	Art.	Sec.	Page.
SCHOOL DISTRICTS—			
City or town may be a separate.....	xi	10	80
County line.....	vii	3a	66
Formation of, provided by law.....	vii	3	65
Legislature to provide for payment of amount due teachers.....	xvi	36	95
Special legislation, none to be regulating affairs of, etc.....	iii	56	42
Taxation in.....	xi	10	80
Taxation of and how.....	vii	3-3a	65-66
Validation of, and of bonds.....	vii	3a	66
SCHOOLS—			
Districts	vii	3	65
Free public.....	vii	3	65
Funds and Lands—			
Appropriations of shall not be made to other purposes or for sectarian schools..	vii	5	67
Available fund, interest on bonds.....	vii	5	67
Available fund to be distributed among counties	vii	5	67
Distribution by Board of Education.....	vii	8	68
Lands, county school, sale and proceeds thereof, etc.....	vii	6	67
Lands set apart to be sold.....	vii	4	66
Lands, purchasers of, no relief to.....	vii	4	66
Lands, proceeds invested by whom and how	vii	4	66
Poll tax of one dollar part of.....	vii	3	65
Permanent fund, what is.....	vii	5	67
Perpetual, what shall constitute.....	vii	2	65
Revenue, not more than one-fourth set apart to.....	vii	3	65
Separate, for white and colored.....	vii	7	68
Tax	vii	3	65
Taxation for, by Legislature.....	iii	48	39
SEAL OF STATE—			
Commissions, sealed with.....	iv	20	49
Described	iv	19	49
Kept by Secretary of State.....	iv	20	49
SEAMEN, MARINES, SOLDIERS—			
Not to vote.....	vi	1	63
SEARCHES AND SEIZURES—			
Warrant for, and protection against, unreasonable	i	9	28
SEAT OF GOVERNMENT—			
Austin	iii	58	44
SECRETARY OF STATE—			
Appointed how, and by whom.....	iv	21	49
Compensation, \$2,000.....	iv	21	49

SECRETARY OF STATE—Continued.			
Custodian of Seal of State.....	iv	19	49
Duties prescribed.....	iv	21	49
Member of Board of Education.....	vii	8	68
Member of executive department.....	iv	1	44
Sign and seal commissions.....	iv	20	49
Printing accounts, etc., to approve.....	xvi	21	92
Returns of elections, of executive officers, directed to.....	iv	3	44
Term of office.....	iv	21	49
SECTS OR RELIGIOUS SOCIETIES—			
No appropriations for.....	i	7	28
No preference ever to be given to.....	i	6	28
SENATE AND SENATORS—(See also House and Senate.)			
Advice and consent of necessary to fill vacancies	iv	12	46
Advice and consent of necessary to selection of Secretary of State.....	iv	21	49
Advice and consent of necessary to selection of notaries public.....	iv	26	51
Advice and consent of necessary to pardon for treason	iv	11	46
Arrest, privileged from.....	iii	14	34
Classes of.....	iii	3	32
Composed of thirty-one senators.....	iii	2	32
Elected, when.....	iii	3	32
Executive session.....	iii	16	34
Impeachment, a court of.....	xv	3	86
Impeachment of certain officers.....	xv	2	86
Lieutenant Governor, president of.....	iv	16	48
Qualifications for.....	iii	6	32
President pro tempore, elected when and how, and duties of.....	iii	9	33
President pro tempore, becomes Governor, when	vi	17	48
Revenue bills, may amend, but not originate..	iii	33	37
Term of office.....	iii	3	32
SENATORIAL DISTRICTS—			
Apportionment into, made when.....	iii	28	36
County not entitled to more than one.....	iii	25	36
Territory of, contiguous.....	iii	25	36
SENTENCE—			
Governor may respite.....	iv	11	46
SEPARATE PROPERTY OF WIFE—			
Defined	xvi	15	90
Registration of, to be provided for.....	xvi	15	90
SESSION OF LEGISLATURE—			
Austin, at, elsewhere when and how.....	iii	58	41
Biennial and convened by Governor, when....	iii	5	32
Designated subjects only, at special sessions..	iii	40	38
Extraordinary occasions, convened on.....	iv	8	45

INDEX TO STATE CONSTITUTION.

315

SESSION OF LEGISLATURE—Continued.	Art.	Sec.	Page.
Joint session for certain contested elections..	iv	3	44
Proclamation of Governor to state purposes, when	iv	8	45
Special, length of.....	iii	40	38
SHERIFFS—			
Collect taxes, where.....	viii	10	74
Election, term, duties, fees, etc.....	v	23	62
Removed how, and by whom.....	v	24	62
Vacancy filled by whom.....	v	23	62
SINKING FUND—			
Amount of, and taxation for.....	iii	48	39
SOLDIERS—			
Not to be quartered, when.....	i	25	31
Not to vote.....	vi	1	63
Confederate and their widows, aid may be granted, etc.....	iii	51	40
SPANISH AND MEXICAN LANDS—			
Between Nueces and Rio Grande, provisions for	xiv	8	85
Titles, provisions concerning.....	xiii	1-7	81-83
SPEAKER OF THE HOUSE—			
Elected how.....	iii	9	33
Open and publish election returns for execu- tive offices.....	iv	3	44
Sign bills and resolutions.....	iii	38	38
SPECIAL FUNDS—			
Shall not be diverted.....	viii	7	71
SPECIAL LAWS—(See Laws in General.)			
SPEECH—			
Liberty of.....	i	8	28
STATE GOVERNMENT—			
Departments of.....	ii	1	31
STATIONERY AND PRINTING—			
Furnished, etc., under contract.....	xvi	21	92
STATISTICS—			
Vital and Health, Board of, may be estab- lished	xvi	32	94
STOCKRAISERS—			
Stock laws, etc.....	xvi	23	92
STOCKHOLDERS AND PUBLIC—			
To be protected by law.....	xii	2	80
STREETS AND ALLEYS—			
No special law for vacating, etc.....	iii	56	42

	Art.	Sec.	Page.
STREET RAILWAYS—			
Not to be constructed without consent of whom	x	7	77
STYLE—			
Of laws.....	iii	1	32
Of Legislature.....	iii	1	32
Of process.....	v	12	57
SUBSIDIES—			
By State, county and municipalities, forbidden	iii	26-52	36-41
Same	xi	3	78
SUCCESSION OR DESCENT—			
No special law changing.....	iii	56	42
SUFFRAGE—(See Election and Electors.)			
Absence on business does not forfeit right of..	xvi	9	89
Arrest, voters privileged from.....	vi	5	64
Ballot, vote shall be by.....	vi	4	64
Dueling, effect of, on right of.....	xvi	4	88
Forgery, bribery, and other crimes to be made a cause of disfranchisement.....	xvi	2	88
Right of, to be protected by law.....	xvi	2	88
School district tax, who may vote at election for	vii	3	65
Voters, who are.....	vi	2	63
Voters, who are not.....	vi	1	63
Voters, who are, in municipalities.....	vi	3	64
SUICIDE—			
Property of descends, as in other cases.....	i	21	30
SUPREME BEING—			
Belief is necessary to hold office.....	i	4	27
SUPREME COURT—(See Courts, Supreme.)			
SURVEYOR—(See County Surveyor.)			
SUSPENSION OF CUSTODIAN OF PUBLIC FUNDS			
	iv	25	51

T

TAXATION AND TAXES—			
Agricultural pursuits to be exempt from, what Amount or limit not to exceed 35c on the \$100, exclusive of tax to pay public debt..	viii	1	70
Assessment to be lien and property liable to seizure and sale.....	viii	9	72
Assessed and paid in county where property situated	viii	15	73
Assessed and collected where, on property in organized county.....	viii	11	73
Assessor and collector of taxes, election, duties, etc.....	viii	12	73
Assessment and collection by counties, cities and towns to pay what.....	viii	13	73
	xi	6	79

TAXATION AND TAXES—Continued.	Art.	Sec.	Page.
Back taxes, may be collected by municipalities	viii	5	71
Buildings, public, tax for limited.....	viii	9	72
Cemeteries, not for profit, may be exempted..	viii	2	70
Charitable institutions exempt from.....	vii	2	65
Cities, levy by, for school purposes.....	xi	10	80
Cities of over 10,000, concerning power of and limitations	xi	4-5	78
Classification of land according to value, to be provided for.....	viii	18	74
Collected only for public purposes, and by general law.....	viii	3	71
Collected for purposes enumerated.....	iii	48	39
Collector of, sheriff to be when and where, separate officer elected in what counties...	viii	16	74
Corporations, power of State to tax, never to be surrendered in any manner.....	viii	4	71
Counties, cities, and towns, concerning, levy, assessment and collection of by, to pay interest and provide sinking fund.....	xi	6	79
Counties, cities and towns levy for seawalls, etc.	xi	7	79
Counties, cities and towns limited to certain amounts for given purposes.....	viii	9	72
County, city and town, public property of, exempt	xi	9	80
Enforcement of payment of, concerning.....	viii	13	73
Enumeration of subjects of, not to exclude right to tax others.....	viii	17	74
Equality of.....	viii	1-2	70
Equalization of values to be provided for.....	viii	18	74
Exemptions from.....	iii	56	42
Also Art. vii, sec. 1, 2, 19; Art. xi, sec. 9.			
Exemptions, others void.....	viii	2	70
Family furniture may be exempted to what amount	viii	1	70
Farm products, etc., exemption of.....	viii	19	74
Governor to present estimates of amounts to be raised by.....	iv	9	46
Incidental expenses of Legislature, for.....	iii	48	39
Income taxes, concerning.....	viii	1	70
Levied and collected for public purposes only, and by general law.....	viii	3	71
Levied and collected for purposes enumerated.	iii	48	39
Levy by counties, cities and towns, concerning	xi	4	78
Also secs. 5, 6, 7, 9, 10.			
Lien, assessment of, to be a.....	viii	15	73
Limit of, by counties, cities and towns.....	viii	9	72
Mechanical pursuits to be exempt from what.	viii	1	70
Municipalities may collect back taxes.....	viii	5	71
Municipalities, occupation tax by, limited...	viii	1	70
Municipalities, may levy road tax, etc.....	iii	52	41

TAXATION AND TAXES—Continued.			Art.	Sec.	Page.
Non-residents, may pay at Comptroller's office.	viii	11			73
Occupation, concerning amount of, limitations, exemptions	viii	1-2			70
Poll tax, concerning	viii	1			70
Public buildings, tax for erection, etc.	viii	1			70
Public calamity, cause for release of taxes. . .	viii	10			72
Public purposes, levied and collected only for. .	viii	3			71
Public purposes, property used for, may be exempted	viii	2			70
Public purposes, county property used for, exempted	xi	9			80
Purposes, levied and collected for those enumerated	iii	48			39
Railroads, concerning taxation	viii	8			72
Railroads, municipal taxation of.	viii	5			71
Roads and bridges, tax by counties and cities, limit of.	viii	9			72
Released, payment of, never to be, except. . .	viii	10			72
Right to tax other subjects than enumerated. .	viii	17			74
Sinking fund, floating and payment of interest for.	iii	48			39
School districts, of.	vii	3-3a			65-66
School districts, taxation in.	xi	10			56
Schools, free, taxation for.	vii	3			65
School property and furniture may be exempted	viii	2			70
School purposes, levy, for, by cities.	xi	10			80
Subjects of taxation.	viii	1-17			70-74
Uniformity of.	viii	1-2			70
Valuation	viii	1-18			70-74
Worship, property used for may be exempted. .	viii	2			70
TESTS—					
Religious, not required; recognition of Supreme Being.	i	4			27
TITLE TO BILLS—					
Embrace subject, etc., must.	iii	35			37
Read publicly, must be.	iii	38			38
TITLES, LANDS—(See Mexican and Spanish Land Titles.)					
Certificates not to be located on titled lands. .	xiv	2			83
Registered, those emanating from State to be registered in Land Office.	xiv	1			83
TRANSPORTATION FOR CRIME—					
Prohibited	i	20			30
TREASON—					
Definition of.	i	22			30
Governor may grant pardon with advice of Senate	iv	11			49
Testimony necessary for conviction.	i	22			30

TREASURER, COUNTY—(See County Treas- Art. Sec. Page.
urer.)

TREASURER, STATE—

Elected, how and when.....	iv	2	44
Election returns for, canvassed how and by whom	iv	3	44
Executive department, member of.....	iv	1	44
Fees, to be paid into Treasury, by.....	iv	23	50
Removed by impeachment.....	iv	23	50
Reside where.....	iv	23	50
Term, salary, duties.....	iv	23	50

TREASURY NOTES AND WARRANTS—

Not to be issued to circulate as money.....	xvi	7	89
---	-----	---	----

TRIAL—

Jury, composed of how many.....	v	13, 17	57-59
Jury demanded and fee paid.....	v	10	56
Jury, right to inviolate.....	i	15	30
Second, not to be for same offense after verdict	i	14	29
Verdict by nine jurors or unanimity of twelve	v	13	57

U

UNITED STATES—

Public land may be sold or leased to, for forts, etc.....	xvi	34	94
---	-----	----	----

UNITED STATES CONSTITUTION—

Supreme	i	1	27
---------------	---	---	----

UNIVERSITY OF TEXAS AND ITS FUNDS
AND LANDS—

Agricultural and Mechanical College a part of	vii	15	70
Branch of for colored may be established.....	vii	14	69
Donations to, by private individuals, concerning	vii	11	68
Establishment and support.....	vii	10, 11	68
Funds and lands, concerning its	vii	11	68
Lands, purchasers of not to be relieved.....	vii	12	69
Lands set apart, and sale of.....	vii	12, 15	69-70
Styled, "The University of Texas".....	vii	10	68
Taxation for, by Legislature.....	iii	48	39

USURY AND INTEREST—

Provisions concerning.....	xvi	11	89
----------------------------	-----	----	----

V

VACANCIES—

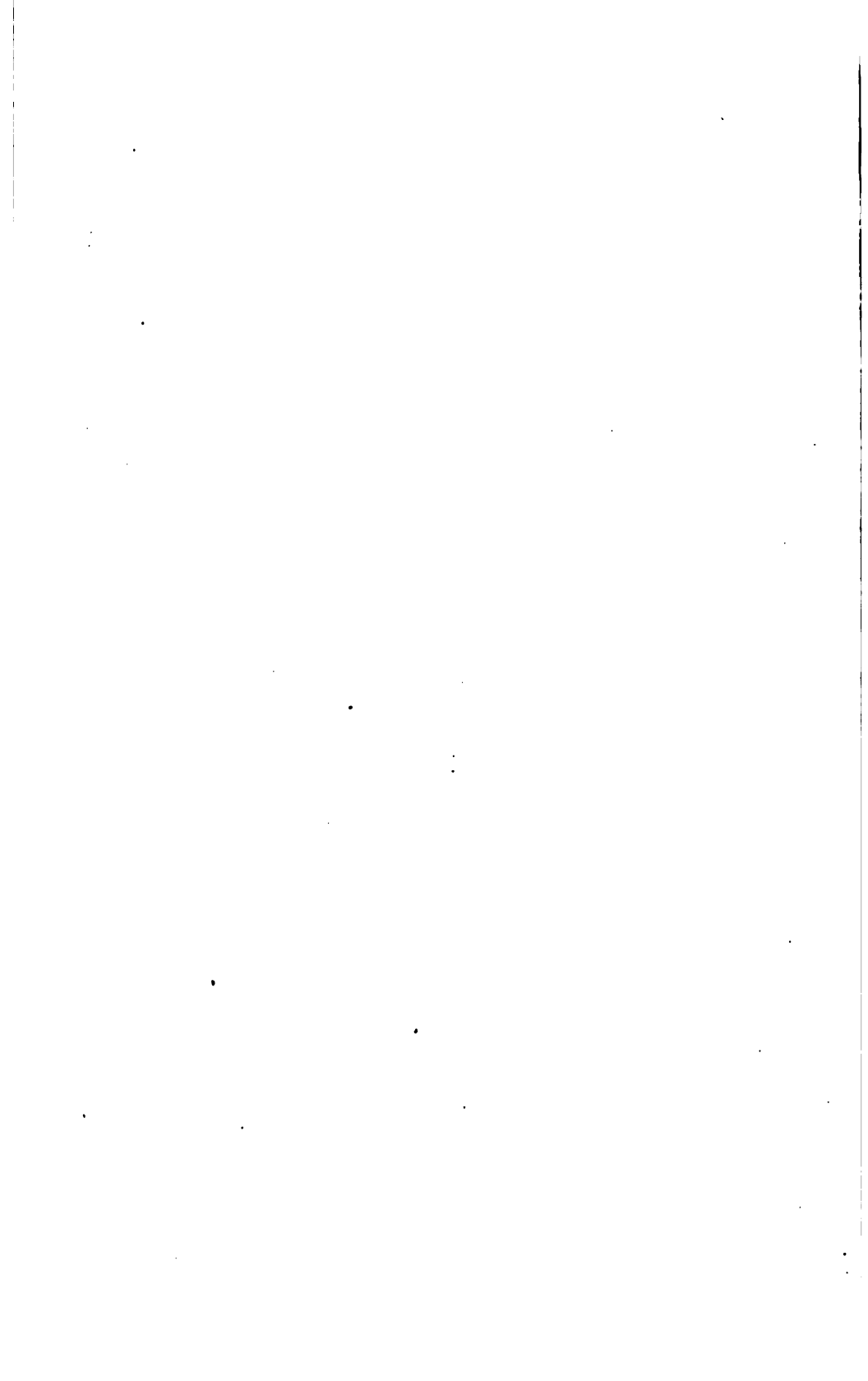
Clerks, county, how filled.....	v	20	61
Clerks, district, how filled.....	v	9	56
Courts, in various, filled how.....	v	28	62
Courts, in Criminal Appeals.....	v	4, 28	53-62
Courts, in Supreme.....	v	2, 28	51-62

VACANCIES—Continued.	Art.	Sec.	Page.
Courts, in Criminal Appeals.....	v	4, 28	53-62
Courts, in Supreme.....	v	2, 28	51-62
Elections, to fill unexpired terms.....	xvi	27	93
Legislature, in, filled how.....	iii	13	33
Officers, State and district, concerning.....	iv	12	46
Sheriffs, how filled.....	v	23	62
VAGRANT LAWS—			
To be passed.....	iii	46	39
VENUE—			
Change of, to be provided for, but no special laws to be passed.....	iii	45, 46	39
VESTED RIGHTS—			
Action, of formerly acquired, not divested....	xvi	18	91
Existing, not divested.....	xiii	7	81
Existing, to remain as they were.....	xvi	18	91
VETERANS—			
Texas, pensions may be granted to.....	xvi	55	98
VETERANS AND WIDOWS—			
Of Confederates, aid may be granted to, etc..	iii	51	40
VETO—			
Of Governor, provisions concerning.....	iv	14	47
VOTERS AND VOTES—(See Suffrage and Electors.)			
VOTES—			
Necessary to elect executive officers.....	iv	3	44
W			
WAGES—			
Current, not subject to garnishment.....	xvi	28	93
WARRANTS—			
Treasury, not to be issued to circulate as money	xvi	7	89
To search and seize, issued how.....	i	9	28
WIFE—			
Separate property, defined, registration of, etc.	xvi	15	90
WORSHIP—			
Exemption from taxation of property used for.	viii	2	70
Public, to be protected.....	i	6	28
Rights as to.....	i	6	28
WRITS AND PROCESS—(See Process and Writs.)			

Y

YEAS AND NAYS—

	Art.	Sec.	Page.
Demanded by three members, may be.....	iii	12	33
Emergency clause, passage of.....	iii	32	37
Entered on journal.....	iii	12	33
Removal from office by, address taken.....	xv	8	87
Suspending reading of bills on three several days, etc., to be entered on journals.....	iii	32	37



INDEX TO RULES OF THE HOUSE.

A

ABSENTEES—		Page.
Excused by two-thirds vote.....		145
Not excused by their own motion.....		145
Excuses of, when in order.....		145
Punishment of.....		145
Names of, appear in Journal.....		145
 ACTS AND ADDRESSES—		
Signed by Speaker.....		104
 ADJOURN, MOTION TO—		
Pending an appeal.....		103
Precedence of.....		123
Not in order, when.....		123
Not debatable.....		125
Under previous question.....		126
Under call of the House.....		130
In order, when.....		123
 ADMISSION—		
To floor of the House.....		146
 AMENDMENTS—		
By way of substitute.....		138
Generally		138
To caption of a bill.....		138
Must be germane.....		138
By striking out and inserting, indivisible.....		139
To bills on second reading.....		134
To bills on third reading.....		136
Of Senate to House bills.....		138-142
To the rules.....		147
In Committee of the Whole.....		140-141
Also		145
Withdrawal of.....		138
In order, when.....		138
Motion to, precedence of.....		138
 AMEND, MOTION, TO—		
Precedence of.....		123
By striking out enacting clause, precedence and effect of.....		123
By striking out enacting clause, under the previous question..		126
 APPEALS—		
From decision of Speaker.....		103
Not permitted on question of recognition.....		118

APPEALS—Continued.	Page.
On incidental questions, under the previous question.....	126
From decision of Chief Clerk, pending election of Speaker pro tem.....	105
APPROPRIATION BILL—	
Considered in Committee of the Whole.....	140
May embrace more than one subject.....	132
To take effect upon passage.....	136
APPROPRIATIONS—	
Must be by bill.....	140
ARREST—	
Of absentees under the call of the House.....	130

B

BAR OF THE HOUSE—	
Members must be within when the question is put, in order to vote.....	121
Defined	121
BALLOT—	
Officers elected by.....	104
BILLS—	
Formal requisites of.....	131-132
To contain only one subject.....	132
Cannot revive or amend by reference to title.....	132
Introduction and numbering of.....	132
First reading of.....	132
Reference of to committees.....	132
Necessity and time of reference and report from committee..	132
Acting on in their regular order.....	133
Local bills considered on Wednesdays and Thursdays.....	133
Senate bills considered on Wednesdays and Thursdays.....	133
When printed.....	134
Necessity of printing.....	134
Procedure at second reading of.....	134
Reading of, on three several days, and suspension of this rule.	135
Procedure at third reading of.....	136
Recommittal of.....	136
Certificate of passage of.....	136
Take effect ninety days after adjournment except.....	136
Cannot be passed into a law, after defeat of another bill con- taining same substance.....	137
Place of in order of business.....	142
Engrossment of.....	107
Enrollment of.....	107
With enacting clause stricken out, rejected.....	123
Of the House with Senate amendments.....	142
Rescinding votes on, not permitted.....	129
No Senate or House bill on second reading to be considered during last seventy-two hours of session, except.....	132-133
Forty-eight and twenty-four hour rules.....	133

BUSINESS—	Page.
Priority of.....	143
Laid before the House by Speaker.....	102
On Speaker's Table.....	142
Unfinished, consideration of.....	142
On Senate and local bill days, other than Senate and local bills	143

C

CALENDAR CLERK—	
Duties of.....	106
CALENDARS—	
What they show.....	106
Daily calendar.....	142
Suspension calendar.....	142

CALL—	
Of the roll.....	129

CALL OF THE HOUSE—	
How made.....	129-130
Procedure under.....	129-130
Purposes of.....	129-130
May be moved after the previous question has been ordered..	126
Pending an appeal.....	103

CALLED TO ORDER—	
Member	120

CAPTION OF BILLS—	
Form of.....	131
Amendments to.....	138
Extra copy of to accompany bill.....	132

CHAIRMAN—	
Of committees appointed by Speaker.....	103
Pro tem. of committees, who are.....	114
Of Committee of the Whole House.....	140

CHAPLAIN—	
Duties of.....	109

CHIEF CLERK—	
Duties of.....	105
Presides at election of Speaker pro tem.....	105
Duties of, pending such election.....	105

CLERKS OF THE HOUSE—	
Duties of.....	105

CLOSE DEBATE—(See Previous Question.)

COMMITTEE—	
On Engrossed Bills, duties of.....	107-112-116
On Engrossed Bills, on Enrolled Bills and on Rules, may report at any time.....	116
On Contingent Expenses, duties of.....	111

COMMITTEE OF THE WHOLE HOUSE—	Page.
How formed.....	140
Chairman named by Speaker.....	140
Procedure in.....	140
Amendments in.....	140-141
Amendments to motions in.....	140
Proceedings in which business is not concluded.....	141
Increase of tax, must be discussed and voted in.....	141
Appropriations of money must be discussed in.....	141
Rules of proceedings in the House to govern in.....	141
COMMITTEES—	
Appointment of.....	103
Additional time allowed.....	115
Election of.....	103
Standing, list of, and number of members.....	109-114
Time of meeting fixed and posted.....	114
Punishment of members wilfully absent from meeting.....	114
May not sit during session of House, except by special leave.....	114
Majority of, constitute a quorum.....	114
Must report when instructed by Speaker.....	115
Reports of, must be ordered by a majority of such quorum.....	114
Views of minority of, may be substituted.....	115
Reports of, filed and printed.....	115
Procedure in.....	116
Precedence of measures in.....	115
Measures referred to, must be reported back when.....	115
Reports of are advisory only.....	116
Standing, reports of.....	115
Adverse report, not to be made under certain conditions.....	115
COMMIT, MOTION TO—	
Precedence of.....	123
Not again allowed on same day at same stage.....	124
Previous question ordered on.....	126
On third reading of bill.....	136
Bill reported adversely.....	132
COMMUNICATIONS—	
Executive, received when announced.....	144
COMPENSATION—	
Of officers.....	104
CONCURRENT RESOLUTIONS.....	131
Senate, go to Speaker's table.....	142
CONDUCT—	
Of members in the hall.....	120
CONFERENCE COMMITTEES—	
Requests for, when considered.....	145
Reports of, when considered.....	145
Reports of on Speaker's table.....	142
CONSTITUTIONAL RULE—	
Suspension of.....	135

CONTROL OF HOUSE AND ROOMS—		Page.
By Speaker.....		102
By Sergeant-at-Arms.....		105

COUNTING A QUORUM—		
Present but not-voting members.....		121
Present member of a pair.....		122

CONSTITUTIONAL PROVISIONS GOVERNING THE PROCEEDINGS OF THE LEGISLATURE—		
Each house may determine the rules of its own proceedings..		33
Enacting clause.....		36
No law shall be passed except by bill.....		37
No law shall be amended so as to change its original purpose..		37
Bills may originate in either house.....		37
Bills may be amended, altered or rejected by the other house..		37
Bills must be read on three several days.....		37
Rule may be suspended in case of emergency.....		37
Requires four-fifths vote.....		37
Revenue bills must originate in the House.....		37
Revenue bills may be amended or rejected by the Senate.....		37
Bills having been defeated by either house no other containing same subject shall be passed.....		37
Resolution defeated, no other containing the same substance shall be considered.....		37
No bill shall contain more than one subject except an appropriation bill.....		37
Subjects must be expressed in title.....		37
No law shall be revived or amended by reference to title.....		37
Law or section amendment must be re-enacted at length.....		37
Bills must be referred to a committee and reported thereon..		38
Bills must be reported from a committee three days before final adjournment.....		38
Bills and resolutions to be signed by presiding officers of each house.....		38
Requires a two-thirds vote except the general appropriation bill to go into immediate effect.....		38
Methods of putting bills into immediate effect.....		38

D

DEBATE—		
Confined to the pending question.....		117
Members may speak not more than twice on the question, etc..		119
May not speak more than ten minutes.....		119
Mover of proposition may speak twenty minutes.....		118
Opening and closing.....		118
House may extend speaking time of any member ten minutes..		119
Closing. (See Previous Question.)		
Not allowed before motion is stated.....		118
Not allowed after previous question is ordered, except what..		126

DEBATABLE—	Page-
What motions are not.....	125
Motion to allow a member to explain when called to order are not.....	120
Incidental questions of order, after the previous question is moved, are not.....	126
Questions relating to priority of business are not.....	143
Request to print bills and other papers are not.....	141
Routine motions are not.....	141
Amendments to caption of bill are not.....	138
DECORUM AND DEBATE.....	117
DIGEST—	
Of the Rules and Practice of the United States House of Representatives, authority where rules are silent.....	148
DILATORY MOTIONS—	
Practice as to.....	125
DISAGREEMENT—	
Between the two houses.....	142
When considered.....	145
DISCHARGING—	
Members from arrest under call.....	130
DISORDERLY CONDUCT OR DISTURBANCE—	
Authorizes clearance of galleries and lobby.....	102
DISTRIBUTION—	
Of Journals.....	107
Of bills.....	134
DIVISION—	
Of the House.....	102
Of the question.....	122
DOORKEEPER—	
Duties of.....	108
E	
ELECTION—	
Of officers.....	104
Of Speaker pro tem.....	105
EMERGENCY CLAUSE—	
Statement concerning.....	136
ENACTING CLAUSE—	
Motion to strike out.....	123
Stricken out, kills bill.....	123
ENFORCEMENT—	
Of the rules of the House, etc.....	102

INDEX TO RULES OF THE HOUSE.

329

ENGROSSING CLERK—	Page.
Duties of.....	107
ENGROSSMENT—	
Of bills.....	107
Also	112
ENROLLING CLERK—	
Duties of.....	107
ENROLLMENT—	
Of bills.....	107
EXCUSES—	
When in order.....	141
EXCUSING—	
Absentees	145
Member from voting.....	120
EXECUTIVE COMMUNICATIONS—	
Received when announced.....	144
EXPELLED—	
Member may be.....	145
EXPLANATION—	
Of vote about to be given, not allowed.....	121

F

FLOOR—	
Who entitled to admission to.....	146
Conduct of members on.....	120
Cleared by Doorkeeper before session.....	108
FRIDAY—	
Senate bill unfinished goes over to.....	133

G

GERMANE AMENDMENTS.....	138
--------------------------------	------------

H

HALL OF THE HOUSE AND ROOMS—	
Under control of Speaker.....	102
Of Sergeant-at-Arms.....	105
HOUSE BILLS—	
With Senate amendments.....	142
Also	145

I

INCIDENTAL QUESTIONS OF ORDER—	Page.
Not debatable after motion for previous question.....	126
INTEREST—	
Personal or private, disqualifies a member from voting.....	120
INTRODUCTION—	
Of bills.....	131
Of resolutions.....	130
Also.....	131
Of petitions and memorials.....	145

J

JEFFERSON'S MANUAL—	
Authority where rules are silent.....	148
JOINT RESOLUTIONS—	
Subject to rules governing bills except when.....	131
Require a two-thirds vote of the members-elect for passage...	131
Amendments to, decided by a majority vote.....	131
Signed by the Speaker.....	104
JOURNAL—	
Shall contain what.....	106
Yeas and nays entered in.....	121
Motions entered in.....	122
Corrected by Speaker.....	103
Not read except when.....	107
JOURNAL CLERK—	
Duties of.....	106

L

LAST DAYS OF SESSION—	
Motion for reconsideration disposed of when made.....	128
First four of last six days of session, suspension days.....	143
LAY ON THE TABLE—(See Table, Motion to.)	
Subject to call.....	123
Subject to call, undebatable.....	125
LOCAL BILLS—	
Considered only on Wednesdays and Thursdays.....	133
Other bills considered on the day for.....	143

M

MAIN QUESTION—(See "Previous Question.")	
MEMBER—	
Called to order for words spoken in debate.....	120
To be recognized before addressing House.....	117
May address the House from where.....	117

MEMBER—Continued.	Page.
Shall confine himself to question under debate.....	117
May not speak more than twice on same question.....	119
Reporting measure, may open and close debate.....	118

MEMBERS—	
Shall vote, except when.....	121
Absent, arrested wherever found, under call of the House....	129
May be expelled.....	145
Attendance of may be compelled.....	129
House list of.....	245-249

MEMORIALS—	
Presentation and reference to.....	145

MESSAGES—	
And Executive communications.....	144
Entered in Journal.....	106

MONDAY—	
Suspension day.....	143

MOTIONS—	
Reduced to writing on demand.....	122
Entered on Journal.....	122
May be withdrawn, when.....	122
Precedence of.....	123
Certain, undebatable.....	125
When allowed pending an appeal.....	103
Not allowed again on same day.....	124
Involving a tax or charge on people not considered on the day they are made.....	141
Stated by Speaker, are in possession of the House.....	122
To suspend the regular order of business.....	143
For the previous question (see "Previous Question").	
To reconsider (see "Reconsideration").	
Dilatory	125

MOVER OF PROPOSITION—	
Who is the "mover".....	118

N

NOTICE—	
Of calling up motion to reconsider.....	128
Of calling up proposition laid on table subject to call.....	123

O

OFFICE—	
Of Sergeant-at-Arms, when open.....	105

OFFICERS—	
Election and compensation of.....	104

ORDER—	Page.
Speaker shall preserve.....	102
Of business.....	141
Cannot be suspended except on Mondays and first four of last six days of session.....	143
Motion to suspend, undebatable.....	125
Of precedence of motions.....	123

ORDERS—(See "Special Order.")

P

PAIRS—	
Announcement of.....	122
Present member of counted to make a quorum.....	122
Entered on Journal.....	107

PAPERS—	
Reading of, demand for.....	120
Printed when.....	134

PAY—	
Of witnesses.....	145

PERSONALITIES—	
In debate avoided.....	117

PETITIONS—	
Filing and reference of.....	145

PLATFORM DEMANDS—	
Precedence when.....	143

PLURALITY—	
Elects when.....	103

POINTS OF ORDER—	
Decided by Speaker subject to appeal.....	103
Debatable.....	193
Not debatable pending motion for the previous question.....	126
Not in order pending appeal.....	103

POSTPONE—	
Motion to, precedence of.....	123
Not allowed again on same day at same stage.....	124
Effect of.....	124
Indefinitely, debate under after previous question ordered....	126

PRECEDENCE—	
Of motions.....	123
Of motions to amend.....	123

PRESENT—	
But not voting, member refusing to vote so recorded.....	121

PROGRESS OF A BILL—	
House bill.....	210

PREVIOUS QUESTIONS—		Page.
How ordered.....		125
Effect of.....		125
May be ordered on what.....		126
No debate on motion for.....		126
Questions of order pending, decided without debate.....		126
What debate allowed under.....		126
Debate under, applied to motion to postpone indefinitely or to amend by striking out enacting words.....		126
Call of the House moved after, may be.....		126
Adjournment under, no motion for.....		126
Pending an appeal.....		103
Purpose of motion.....		126

PRINTING—		
Bills reported favorably.....		134
Other documents.....		134
Request to print, when in order.....		141
Of bills in charge of Calendar Clerk.....		106
Of Journals in charge of Journal Clerk.....		106
Necessary to a consideration of bills.....		134

PRIORITY—		
Of business, decided by House without debate.....		143

PRIVILEGE—		
Questions of.....		117

PROCEEDINGS—		
Under call of the House.....		129
In committees.....		114
In Committee of the Whole.....		140

Q

QUESTION—		
Division of.....		122
Of privilege.....		117
Of order (see "Points of Order").		
Previous (see "Previous Question").		
How put.....		102

QUORUM—		
Members present but not voting counted to make.....		121
Present member of pair counted to make.....		122
Appearing on call of the House.....		130
In absence of, what may be done.....		130
Of a committee, how constituted.....		114

R

READING—		
First, of bills.....		132
Second, of bills.....		133
Third, of bills.....		136
Three, necessary, except when.....		135

READING—Continued.	Page.
Of motions.....	122
Of resolutions.....	130
Of papers on demand.....	120
Of joint resolutions.....	131
READING CLERK—	
Duties of.....	107
Assistant, duties of.....	107
REASONS—	
For votes.....	121
RECESS—	
Motion for, not in order when.....	126
Precedence of.....	123
RECOGNITION—	
By Speaker, how obtained.....	117
No appeal from.....	117
RECOMMITTAL—	
Of bills.....	136
(See "Commit, Motion to.")	
RECONSIDERATION—	
Motion for, when made.....	127
Action on.....	128
Cannot be withdrawn.....	129
Any member may call up.....	129
Dies when.....	129
"RECONSIDER AND TABLE"—	
Effect of tabling motion to reconsider.....	129
REFER—	
Motions to, precedence among.....	123
REFERENCE—	
To committee, necessary to consideration of bills.....	132
Of Senate bills.....	144
REPORTERS—	
Seats for.....	146
REPORTS—	
Filed and printed.....	115
On Speaker's table.....	142
Of conference committees, when considered.....	145
Made by majority of quorum of committee.....	114
Made when.....	115
Are advisory only.....	116
REQUEST—	
To print bills or other papers, when in order.....	141
For further time to consider bill, when in order.....	141
Between the two houses, go to Speaker's table.....	145
When considered.....	145

RESCIND—	Page.
Motion to, not permitted.....	129

RESOLUTIONS—	
Introduction of.....	130
Also	131
Filing of, with Clerk.....	131
Procedure after introduction of.....	130
Place of, in order of business.....	141
Concurrent	131
Senate concurrent.....	142
Joint (see "Joint Resolutions").	
Cannot be considered, after defeat of another resolution con- taining same substance.....	137

ROLL CALL.....	129
----------------	-----

ROUTINE BUSINESS AND MOTIONS—	
When in order.....	141

RULES—	
Amendment of.....	147
Suspension of (see "Suspension").	
Silence of, what governs.....	148
Of proceedings in the House applicable to Committee of the Whole	141
Committee on, may report at any time.....	116

S

SALARY—	
Of officers.....	104

SECONDS—	
Fifteen required for call of the House.....	129
Twenty-five required to motion for previous question.....	125

SENATE—	
Amendments to House bills.....	142
Bill days, what are.....	133
Consideration of other bills on.....	143

SERGEANT-AT-ARMS—	
Duties of.....	104

SIMPLE RESOLUTION—(See "Resolutions.")	
--	--

SMOKING—	
Prohibited on floor of the House.....	120

SPEAKER—	
Duties and rights of.....	102
Must vote, when.....	102
Pro tempore, how named.....	104
Pro tempore, when elected.....	105

SPEAKER'S TABLE—	
Business on.....	142

SPECIAL ORDERS—	Page.
How made.....	144
Precedence of.....	142
Only one allowable at a time.....	144
Relative to consideration on Senate bill day.....	144
SPEECHES—	
Time limit of.....	119
On appeals, number.....	103
Number of, generally.....	119
On measures coming over from previous days.....	119
STATIONERY—	
Procured by Sergeant-at-Arms.....	105
STRIKE OUT AND INSERT—	
Motion to, indivisible.....	138
SUBPOENAS—	
How signed and attested.....	104
SUBSTITUTE—(See “Amendment.”)	
SUSPENSION—	
Day, Monday.....	143
Of rules by vote.....	143
Of the constitutional rule requiring bills to be read on three several days.....	135
Of the constitutional rule not debatable.....	125
Of regular order of business when allowed.....	143
By majority vote, when.....	143
Effect of.....	143
Not debatable.....	125
Suspension distinguished from amendment.....	147
T	
TAX—	
Motion for, not discussed on day of its introduction.....	141
Increase of, to be considered in Committee of the Whole.....	141
TABLE, MOTION TO—	
Precedence of.....	123
Effect of.....	124
Debate under.....	124
Pending an appeal.....	103
Subject to call, not debatable.....	125
Tabling motion to reconsider.....	129
THURSDAY—	
Devoted to Senate bills.....	133
Consideration of other bills on.....	143
TIE VOTE—	
Question lost in case of.....	103

U

UNANIMOUS CONSENT—		Page.
Authorizes consideration of other bills on Senate and local bill days	143	
UNFINISHED BUSINESS—		
Precedence of	142	

V

VERIFICATION—		
Of vote	120	
VIEWS—		
Of minority of committee may be submitted	115	
VOTE—		
A tie shall be lost	103	
A member having a personal interest shall not	120	
Member not within the bar of the House must not	121	
Member within the bar must	121	
Explanation of, not allowed when	121	
Of Speaker, when required	102	
By which bill passed, noted on it by Clerk	136	
Of two-thirds required to excuse absentees	145	
To suspend regular order	143	
To amend bill on third reading	136	
To put law into immediate effect	136	
To adopt amendments to Constitution	131	
Of four-fifths required to suspend rule requiring bills to be read on three several days	135	
Verification of	120	
VOTING—		
Excusing members from	121	
Also	122	

W

WARRANTS AND WRITS—		
How signed and attested	104	
How executed	105	
WHOLE HOUSE—		
Committee of the	140	
WEDNESDAY AND THURSDAY—		
Devoted to Senate bills	133	
WEDNESDAY AND THURSDAY AFTERNOONS—		
Devoted to local bills after 4:30 o'clock	133	
Consideration of other bills on	143	
WITHDRAWAL—		
Of motions	122	
Of motions to reconsider, not allowed	129	
WITNESS—		
Pay of	145	

Y

YEAS AND NAYS—

Page.

Called for how.....	121
Called for when.....	102
During call of, members remain in their seats.....	122
Entered on Journal.....	121
Required on suspension of constitutional rule requiring bill to be read on three several days.....	135
Required on passage of bill to go into immediate effect.....	136
Verification of vote.....	120

YIELDING THE FLOOR—

Subject to the consent of House.....	119
--------------------------------------	-----

INDEX TO LEGISLATIVE PRECEDENTS.

A

ADJOURNMENT—	Page.
Motion for.....	149
Business must intervene between motions to adjourn.....	149
Business must intervene between motions to recess.....	149
Held that speaking is "business".....	149

AMENDMENTS—

GENERAL.

Proposed amendments agreed to only by the House.....	150
An amendment may be similar to one lost, yet so different that it is in order.....	150
Is an amendment covering the same matter embodied in an amendment previously tabled in order?.....	150
Can an amendment be considered when it covers matter previously passed upon?.....	150
An amendment lost on a second reading of a bill is in order on a third reading.....	151
Because the House has adopted an amendment is no reason why it should not consider another one embodying the same matter.....	151
And amendment is not in order if one of the same subject matter has been tabled.....	151
Because an amendment was ruled out of order at a certain stage of the proceedings is no reason why it might not be in order at another time.....	152
If an amendment is lost or tabled, another one of the same import is not in order on the same reading or stage of the bill.....	152
An amendment is not in order if a former amendment containing the same matter has been tabled.....	152
An amendment to strike out matter previously inserted in a bill is not in order unless reconsideration is ordered..	152
It is not necessary to correct a typographical error in a printed bill if the original bill is correct.....	153
Not in order to offer an amendment to the caption of a bill until all amendments to the body of the bill have been considered and disposed of.....	153
Though an amendment should be voted down, it would be in order on a subsequent reading of the bill.....	153

GERMANE.

Scope of germaneness narrowed by Rules of House and Constitution	154
General discussion.....	154
To a bill amending a general law in several particulars an amendment providing for the repeal of the whole law was held to be germane.....	154

APPROPRIATIONS—

House may by amendments attach conditions to an appropriation	155
---	-----

B

BILLS—

Page.

Congressional precedents.....	155-156
-------------------------------	---------

ADVERSE REPORT.

An adverse committee report on a bill does not prevent the consideration of a similar bill	156
--	-----

ADVERSE ACTION ON IN THE SENATE.

Consideration of bills by the House that have been defeated in the Senate.....	157
Held that a bill defeated in the Senate could be considered in the House.....	157

CONSIDERATION OF.

After the House had appointed a committee to notify the Senate and the Governor that its labors had been completed and that it was ready to adjourn, the consideration of a free conference committee report was not in order	158
House can not act on a resolution or a bill which has been transmitted to the Senate without recalling the same....	158
Bill relating to the assessment of property held not to violate the constitutional provision requiring revenue bills to originate in the House.....	158
Relating to rule which requires that Senate bills be passed to a third reading seventy-two hours before the final adjournment of the session.....	158

GENERAL.

Senate bill granting Collis P. Huntington the right to use certain streets, wharves and alleys of Galveston held to be a general bill.....	159
Bills to validate titles in Carson, Dallam and Hutchinson counties held to be a general bill.....	159
Bill extending time for payment on school lands to citizens of Fort Bend, Waller and Harris counties held to be a general bill.....	159
Bill relating to Confederate Home at Austin is a general bill	160
Bill relating to the sale of public land on islands not local.	160
An act to amend the general game (fish) law is not a local bill	160
Bill to create a new county held not to be a local bill....	160
Bill creating a District Court out of parts of two or more counties not local.....	161
Fee bill applying to counties of more than 80 000 not local.	161
A bill to amend an act to apportion the State in congressional districts is not a local bill.....	162
The House may by unanimous consent consider a general bill on local bill day.....	162
Bills relating to judicial districts general.....	162
A bill reorganizing one or more judicial districts is not a local bill.....	162
A general bill can not by amendment be changed to a local bill	162

BILLS—Continued.

Page.

PRINTING OF.

Practice with reference to.....	163
General bills must be printed.....	163
No bill can be considered unless it has been printed and laid upon the desks of the members, unless the House has specifically ordered otherwise.....	163
No bill can be considered unless it has been printed and laid on the desks of the members.....	163
A bill must be printed and laid on the desks of the members before it can be considered.....	163
A bill which has been reported adversely must be ordered printed, printed and laid upon the desks of the members before it can be considered.....	164

READING OF.

By caption and in full.....	164
No bill can be read more than once on the same day unless it contains the emergency clause.....	164

RECALLING.

From Governor.....	164-165
From the Senate.....	165
Held that a bill must be recalled from the Senate before a motion to reconsider it is considered.....	166

RECOMMITTING OF.

Not in order to recommit a bill reported adversely with no minority report.....	166
---	-----

RESCINDING VOTE DEFEATING THEM.

Held out of order resolution to rescind vote by which enacting clause was stricken out.....	166
A bill having been defeated, and a motion to reconsider the vote by which it was defeated being laid on the table, a motion to rescind the vote by which the House tabled the motion to reconsider is not in order.....	166-167-168

SUBSTITUTES.

Held that a substitute for a whole bill could not be offered.	168
---	-----

VETOED.

General discussion.....	168
Only requires a two-thirds majority of those present to pass bill over the veto of the Governor.....	169
Cannot amend a bill after being vetoed.....	170
Held that the substance of a bill which failed to pass over the Governor's veto cannot be offered as an amendment to a subsequent bill.....	170

C

CALENDAR OF THE DAY.....	170
--------------------------	-----

COMMITTEES—

Page

CONFERENCE.

Power of a conference committee with reference to incorporating new matter in its report.....	171
In order to instruct House conferees.....	171
Powers of.....	172

REPORTS OF.

Adverse report of a committee does not kill a resolution..	172
Committee reports are purely advisory.....	172
Bill can not be considered when not reported from a committee	172
A bill reported adversely with no minority report can not be considered by the House.....	172

IN VACATION.

General discussion	173
Precedents	173

COMMITTEE OF THE WHOLE HOUSE.

A bill having been considered in the Committee of the Whole House in part, it would not be in order to resume consideration in the House until the final report of the Committee of the Whole House had been made.....	175
Held that a resolution carrying an appropriation could be considered without referring it to the Committee of the Whole.....	175
Held not necessary for bill carrying an appropriation to be considered in the Committee of the Whole House.....	176

D

DECORUM AND DEBATE—

General discussion.....	176-177
When a motion is made to table a proposition, the mover of the proposition or the member reporting it from a committee has the right to close the debate.....	177
While under the previous question, the mover has the right to close the debate, he can not speak after the vote has been taken and when the chair is about to announce the vote...	177

DILATORY MOTIONS—

A motion to adjourn held not to be dilatory.....	178
A member is not entitled to the floor when his evident purpose is to delay the transaction of business.....	178
Yeas and nays—demand for, a constitutional right and not dilatory	178

E

EXPENSE—

CONTINGENT.

A motion to purchase a portrait of a Texas pioneer and pay for it out of the contingent expense fund held in order...	179
---	-----

EMPLOYES—

Page.

- A resolution to employ stenographers, etc., on January 21st, having been voted down, held that a resolution offered at a later date for the same purpose was entirely different..... 179

ENACTING CLAUSE—

- Motion to strike out the enacting clause takes precedence of
 - all other amendments..... 179
- If the enacting clause appears in the original copy of the bill as filed, its omission from the printed bill is immaterial.. 180
- Held that an original bill must have an enacting clause ... 180

J

JUDGES--

DISTRICT.

- Leave of absence granted district judges within the power of the House..... 180

O

ORDERS OF THE HOUSE—

- The House can instruct a committee at any time..... 181
- The House can instruct a committee..... 181

P

PERSONAL INTEREST..... 181

PREVIOUS QUESTION—

- By consent or by agreement, an amendment may be offered after the previous question has been ordered..... 182
- The House, by passing a bill upon the previous question which had been seconded but which had not been ordered because of the failure of the Chair to put the question, ratifies the action of the Chair..... 182
- Previous question must be confined to motions actually before the House..... 182
- Can not adjourn under the previous question..... 183
- The House having ordered the consideration of the appropriation bill by departments, the previous question could not be ordered on the engrossment of the bill without rescinding the order or completing the consideration of the bill..... 183
- The fact that there has not been a free and full discussion of a matter does not prevent the asking of the previous question 183
- No motion is in order while the House is operating under the previous question..... 183

R

RECESS—

- A recess can not be had when a quorum is not present..... 184
- The House having recessed does not displace the business of the day; nor does it require the consideration of postponed or special orders set for the calendar day to which the House recessed..... 184

RECONSIDERATION—

	Page.
General discussion.....	184-185
A bill may be taken up and considered on final passage notwithstanding a motion to reconsider has been put on the Journal and not acted upon.....	186
Notice to call up a motion to reconsider must be given as required by the rule.....	186
The ordering of the main question can be reconsidered.....	186
The motion to reconsider and table when carried is a final disposition of the matter.....	186
Case where a point of order on a motion to reconsider came too late.....	187
Member must have voted with the prevailing side or he can not move reconsideration.....	187
During the last three days of the session all motions to reconsider must be disposed of when made.....	187
The House having fixed the number of clerks a resolution to appoint five additional clerks is not in effect a reconsideration of the original resolution.....	188
The previous question will not apply to a motion to reconsider and table.....	188
When a motion to reconsider is put and carried, the proposition which is reconsidered becomes the pending business...	188
The fact that when a Senate bill finally passes the House, after having been amended by the House, and that a motion to reconsider the vote by which the bill finally passed was laid on the table, does not stop the House from receding from its amendments to the bill.....	189
To make a motion to reconsider, one must have voted with the prevailing side.....	189
Not in order under previous question.....	189
It is not in order to amend a motion to reconsider.....	189
A motion to reconsider must be made within the time prescribed by the rules.....	189
Only those who voted on prevailing side of a question can move to reconsider.....	190
One day's notice must be given before a motion to reconsider which has been spread on the Journal can be called up....	190

RESOLUTIONS—

GENERAL.

Because a resolution or bill is similar to any other bill or resolution pending does not prevent its consideration....	190
House cannot by simple resolution rescind its acts in adopting a concurrent resolution.....	190
Resolutions can only be considered during the time set apart for their consideration.....	191
Rules may be suspended for the consideration of a resolution.....	191
In order to request the Senate to return a resolution.....	191
Twenty-minute rule does not apply to resolutions which go over to the next legislative day as unfinished business...	191
A resolution having been read once under a suspension of the rules, it is within the province of the House to have it read a second time.....	192

RESOLUTIONS—Continued.

Page.

GENERAL.

A resolution may be withdrawn at the pleasure of the author	192
A resolution expressing thanks for courtesies shown the members of the House is in order regardless of the fact that many member did not participate in the courtesies..	192
A resolution offered by unanimous consent must be read first time.....	192
Resolution covering the same matter as one previously voted down is not in order.....	193
On Senate day the consideration of no bill is in order until Senate bills or Senate resolutions have been disposed of..	193
Resolution requesting the Attorney General to do certain things in order.....	193

TIME FOR CONSIDERATION OF.

Instance where it was held that resolutions could not be taken from the Speaker's table except during hour set apart for consideration of resolutions.....	193
Half hour for resolutions may be extended.....	194

RESOLUTIONS NOT IN ORDER.

A resolution containing an undue reflection on the House not in order.....	194
Resolution to appoint a committee to secure information as to the benefits to be derived by the people by reason of the defeat of certain legislation held not in order....	194

PRIVILEGED.

A resolution fixing the date of sine die adjournment privileged	195
A resolution setting apart days on which the House shall accept the invitation of the Cattle Raisers' Association to be the guests of Fort Worth, was held to be a privileged resolution	195
Held that the resolution providing for the temporary adjournment of the Legislature is privileged.....	195
A resolution relating to a special message of the Governor and providing for the return of the message to the Governor with the compliments of the House, was held to be a privileged resolution.....	195

REVENUE BILLS—

Speaker refuses to accept from the Senate a revenue or taxing bill.....	196
Held that the bill creating a fund to pay the State Highway Engineer by charging a license fee for the registration of motor vehicles is not a revenue measure of such a character as to prevent its originating in the Senate.....	196

REGULAR ORDER—

SUSPENSION OF.

The fact that the House has refused to suspend the regular order does not prevent the making of other motions to suspend the regular order of business.....	196
---	-----

REGULAR ORDER—Continued.

Page.

SUSPENSION OF.

- Held that a member is entitled to make only one motion to suspend the regular order until each member desiring to make such a motion has had an opportunity to so do... 197
- An extension of time for the consideration of resolutions is not a suspension of the regular order..... 197

RULES—

AMENDING THE.

- Resolution relating to the filing of resolutions held an amendment to the rules..... 197
- A resolution covering a subject already embraced in the rules or orders of the House is not in order..... 198
- Resolution setting apart Friday of each week to consider revenue-raising bills an amendment to the rules..... 198
- Invitation to a person to address House not an amendment to the rules..... 198
- Amendment to the rules must be referred to the Committee on Rules..... 198

COMMITTEE ON.

- It is within the province of the Committee on Rules to propose a resolution to the House for its consideration.... 198
- Held that a motion to suspend a rule of the House does not of necessity go to the Committee on Rules without debate. 199

SUSPENSION OF CONSTITUTIONAL RULE.

- Does not require four-fifths of all the members elected to the House to suspend the constitutional rule requiring bills to be read on three several days..... 199
- The rules having been suspended to take up a bill, it must be disposed of before another bill can be taken up..... 200
- To suspend the constitutional rule requiring bills to be read on three several days requires vote of four-fifths of the members present, a quorum being present..... 200

S

SENATE BILL DAY—

- Only Senate bills can be considered on those dates..... 200
- Senate bills have right of way on Senate bill day..... 201

SPEAKER—

- May vote when..... 201
- Challenge of Speaker's right to vote overruled..... 201

SPECIAL ORDERS—

- A special order having been made and undisposed of precludes the making of another special order until that one is disposed of..... 201
- Must be considered from day to day and can not be postponed 202
- Special orders have the right of way..... 202
- Held that House bills pending on special orders can not be considered on Senate bill day unless all Senate bills have been disposed of..... 202

INDEX TO LEGISLATIVE PRECEDENTS

347

SPECIAL ORDERS—Continued.

Page.

Platform recommendation can be made special order.....	203
Bill, resolution or other measure may be set as a special order for the same day on which the motion is made.....	203
A special order cannot be postponed.....	203

SUBJECTS OF LEGISLATION (CALLED SESSIONS)—

When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.....	203
General discussion of.....	204-205
Legislature is without authority to propose amendments to the Constitution at a special session.....	206

Q

QUESTION OF PRIVILEGE—

A member cannot abuse the Speaker under a plea of per- sonal privilege.....	206
The House has the right to arraign the author of a newspaper article reflecting unjustly on the membership.....	206

QUORUM—

Can only adjourn from day to day with less than a quorum..	207
When there is less than a quorum present, it is in order for the House to take the necessary steps to compel the attend- ance of the absent members.....	207

V

VOTING—

The Speaker is not required to vote except where his vote would be decisive. But a member called temporarily to the chair may vote.....	208
---	-----

VOTE—

VERIFICATION OF.

There is no rule or provision providing for a recapitulation or a verification of a yea and nay vote.....	208
After the vote is announced and a verification of the vote is pending it is too late for a member to vote.....	208
Verification in order only when there is a probability of the result of the vote being changed by such verification....	209

INDEX TO RULES OF THE SENATE.

A

ABSENTEES—		Page.
Rules 1, 2, 4 and 10—Compel attendance of.....	215,	218
Rule 3—Leave of absence required.....		215
Rule 62—Two-thirds vote to excuse.....		231

ADDRESSES—	
Rule 62—To the Governor for removal of a civil officer.....	231

ADJOURN—	
Rule 1—Lack of quorum.....	215
Rules 21, 21a and 90—Motion in order.....	221, 222, 235
Rules 22 and 90—Motion not debatable.....	223, 235
Rule 90—Always in order.....	235
Rule 90—While operating under previous question.....	235
Rule 91—Not more than 3 days.....	235
Rule 91—Not to a different place.....	235

ADMITTANCE TO SESSIONS—	
Rule 92—Who may or may not be admitted.....	235-236
Rule 92—Suspension of rule as to admittance and when not applicable	236
Rule 92—Inauguration of Governor and other public ceremonies	236

AMENDMENTS—	
Rule 11—Proposed by House to Senate bill may be called up at any time.....	218
Rules 21 and 21a—When in order.....	221, 222
Rule 21—To perfect have precedence of motion to strike out enacting clause.....	222
Rule 29—Before amending bill must be reported from committee	224
Rule 35—Substitution by House for Senate bill.....	225
Rule 38—Majority vote may amend proposed constitutional amendment	225
Rule 42—To table does not table entire measure.....	226
Rule 62—Two-thirds vote to adopt on third reading.....	231
Rule 78—Record of in Committee of the Whole.....	233
Rule 87—Record of in Journal.....	234
Rule 94—Previous question.....	237

AMENDMENTS, CONSTITUTIONAL—	
Rule 38—Subject to rules that govern proceedings on bills...	225
Rule 38—Shall in all cases be read on three several days...	225
Rule 38—Amendments to may be adopted by majority vote...	225
Rules 38, 59 and 62—Final passage shall be by two-thirds vote of Senators elected.....	225, 230
See "Bills, House," "Bills, Senate."	

APPEALS FROM RULINGS—	Page.
Rule 14—Case of more than one Senator trying to secure recognition	219
Rule 18—On question of order	221
Rule 93—When rules are silent.....	236
Rule 95—Demand for immediate decision of point of order..	238
ASSISTANT DOORKEEPER—	
Rule 7—Shall be elected.....	217
Rule 82—Attendance at executive sessions.....	234
ASSISTANT JOURNAL CLERK—	
Rule 7—Shall be elected.....	217
ASSISTANT SECRETARY—	
Rule 7—Shall be elected.....	217
Rule 82—Attendance at executive sessions.....	234
See "Secretary."	

B

BAR OF SENATE—	
Rule 92—Who may or may not be admitted within.....	235
Rule 92—Suspension of rule as to admittance and when not applicable	236

BILLS, HOUSE—

Rule 11—Wednesdays and Thursdays special "House bill days"	218
Rule 11—Four-fifths vote to suspend consideration of on Wednesdays and Thursdays.....	218
Rule 11—Third and second reading Wednesdays and Thursdays morning call.....	218
Rule 21a—May be laid on table pending first reading.....	222
Rules 23 and 29—Displace Senate bills containing same subject	223, 224
Rules 27 and 63—Reading on three several days and suspension of rule.....	223, 231
Rules 27 and 63—Suspend constitutional rule four-fifths vote	223, 231
Rule 27—Free discussion allowed.....	223
Rule 28—At each reading President shall announce where originated	224
Rule 29—First reading when received from House.....	224
Rules 29 and 31—Shall be referred to committee at least three days before final adjournment.....	224
Rule 30—Passage to third reading.....	224
Rule 31—Before considering must be reported from committee three days before final adjournment.....	224
Rule 31—Shall not vote upon passage within last twenty-four hours of final adjournment.....	224
Rule 31a—Relating to printing.....	224
Rules 32 and 62—Two-thirds vote to amend on third reading	225, 231
Rule 33—Reference to committee on third reading and report back places on second reading.....	225
Rule 34—Signing	225
Rule 35—House substitute for Senate bill.....	225

BILLS, HOUSE—Continued.	Page.
Rule 45—Reasons for vote may be spread upon Journal.....	227
Rule 46—Committee reports in writing.....	227
Rule 48—Committee reports lie on table one day.....	227
Rule 49—Original bill reported by committee endorsed as having been read first time.....	227
Rules 52 and 53—Reconsideration.....	228, 229
Rule 59—To appropriate money or land pass by yea and nay vote	230
Rule 62—Requiring two-thirds vote upon final passage.....	231
Rule 62—Exempting property from taxation.....	230
Rule 62—Revoke or repeal private corporations.....	230
Rule 62—Authorizing State to borrow money.....	230
Rule 62—Passage over Governor's veto.....	230
Rule 62—Reducing area of county less than 900 square miles	230
Rule 62—Postpone or suspend consideration of.....	231
Rule 65—Cannot consider at morning call out of regular order	231
Rule 66—When defeated in either branch another containing same substance cannot be considered.....	231
Rule 78—Considered by clauses in Committee of the Whole..	233
Rule 78—Subject to debate, amendment, or commitment after report from Committee of the Whole.....	233
Rule 85—Transmission to House.....	234
Rule 87—Journal of proceedings.....	234
Rule 88—Objections of Governor entered in Journal.....	235
BILLS, SENATE—	
Rule 11—Order on first reading.....	218
Rule 11—With House amendments may be called up at any time	218
Rule 21a—May be laid on table pending first reading.....	222
Rules 23 and 29—Displaced by House bills containing same subject	223, 224
Rules 27 and 63—Reading on three several days and suspension of rule.....	223, 231
Rules 27 and 63—Suspend constitutional rule four-fifths vote	223, 231
Rule 27—Free discussion allowed.....	223
Rule 28—At each reading President shall announce where originated	224
Rules 29 and 31—Shall be referred to committee at least three days before final adjournment	224
Rule 30—Engrossment	224
Rule 31—Before considering must be reported from committee three days before final adjournment.....	224
Rule 31—Shall not vote upon passage within last twenty-four hours of final adjournment.....	224
Rule 31a—Relating to printing.....	224
Rules 31 and 62—Two-thirds vote to amend on third reading	224, 231
Rule 33—Reference to committee on third reading and report back places on second reading.....	225
Rule 34—Signing	225
Rule 35—Substitution by House.....	225
Rule 45—Reasons for vote may be spread upon Journal.....	227

BILLS, SENATE—Continued.		Page.
Rule 46—Committee reports in writing.....		227
Rule 47—Reports on engrossment and enrollment privileged..		227
Rule 48—Committee reports lie on table one day.....		227
Rule 49—Original bill reported by committee endorsed as having been read first time.....		227
Rules 52 and 53—Reconsideration.....		228, 229
Rule 59—To appropriate money or land pass by yea and nay vote		230
Rule 62—Which require two-thirds vote upon final passage..		230
Rule 62—Exempting property from taxation.....		230
Rule 62—Revoke or repeal private corporations.....		230
Rule 62—Authorizing State to borrow money.....		230
Rule 62—Passage over Governor's veto.....		230
Rule 62—Reducing area of county less than 900 square miles		230
Rule 62—Postpone or suspend consideration of.....		231
Rule 65—Cannot consider at morning call.....		231
Rule 66—When defeated in either branch another containing same substance cannot be considered.....		231
Rule 78—Considered by clauses in Committee of the Whole..		233
Rule 78—Subject to debate, amendment, or commitment after report from Committee of the Whole.....		233
Rule 85—Transmission to House.....		234
Rule 87—Journal of proceedings.....		234
Rule 88—Objections of Governor entered in Journal.....		235

C

CALL OF SENATE—

Rules 4 and 10—May be demanded by five Senators.....	215, 218
--	----------

CALENDAR—

Rules 9, 10, 11 and 12—Order of business.....	218, 219
Rule 11—Wednesdays and Thursdays House bill days.....	218
Rule 12—Special order.....	219
Rules 23 and 29—House displaces Senate bill on same subject	223, 224
Rule 33—After commitment on third reading.....	225
Rule 49—Original bill reported from committee.....	227

CALENDAR CLERK—

Rule 7—Shall be elected.....	217
------------------------------	-----

CHAIR—

Rule 5—President may call a Senator to preside.....	215
Rule 6a—Must recognize Senators.....	216
Rules 6a and 20—Must hear points of order and motions for previous question, etc.....	216, 221
Rule 6a—Member other than President Pro Tempore may be removed	216
Rules 6a, 20 and 95—Shall decide points of order immediately upon demand of ten Senators.....	216, 221, 238
Rule 6a—Election of President Pro Tempore Ad Interim....	216
Rule 9—Call Senate to order.....	218
Rule 11—Call order of business.....	218
Rule 13—Must be addressed when Senators desire to speak..	219
Rule 14—When two or more Senators desire recognition.....	219

CHAIR—Continued.	Page.
Rule 16—When a Senator is called to order.....	220
Rule 17—May require exceptional words taken down in writing	221
Rule 18—Shall decide questions of order.....	221
Rule 19—Shall not be interrupted when addressing Senate...	221
Rule 20—Recognizing a Senator to interrupt another.....	221
Rules 21 and 21a—Certain privileged motions.....	221, 222
Rule 23—House bill takes place of Senate bill containing same subject	223
CHAPLAIN—	
Rule 7—Shall be elected.....	217
COMMITMENT—	
Rules 21 and 21a—With or without instructions.....	221, 222
Rule 29—Bills must be referred to committee.....	224
Rule 33—Bills referred on third reading reported back as on second reading.....	225
Rule 35—House substitute for a Senate bill.....	225
Rules 37 and 50—Resolutions.....	225, 228
Rule 43—Motion to commit not entertainable second time on same day.....	227
Rule 50—Motions in writing, reports and resolutions.....	228
Rule 51—Order of preference of committee in event of several motions	228
COMMITTEES—	
Rule 11—President shall call for reports of.....	218
Rule 29—House bill containing same subject as Senate bill should be first considered.....	224
Rule 33—Bill committed on third reading reported back as on second reading.....	225
Rule 35—House substitute for Senate bill.....	225
Rules 37 and 50—Commitment of resolutions.....	225, 228
Rule 46—Reports shall be in writing.....	227
Rule 47—Reports on engrossment and enrollment privileged..	227
Rule 48—Reports lie on table one day.....	227
Rule 49—Original bill reported endorsed as having been read first time.....	227
Rule 50—Commitment of motions in writing, reports and resolutions	228
Rule 51—Order of preference in event of more than one motion to refer.....	228
Rule 69—Shall be appointed by President.....	232
Rules 70 and 70a—Names of.....	232
Rule 72—Additions to.....	233
COMMITTEES—Continued.	
Rule 72—Two-thirds vote to change after addition shall have been made.....	233
Rule 73—Membership of for present Senate.....	233
COMMITTEE CLERKS—	
Rule 5—Under direction of President.....	215

COMMITTEES, CONFERENCE—		Page.
Rule 71—Elected by Senate.....		233
COMMITTEE REPORTS—		
Rule 11—President shall call for.....		218
Rule 29—House bill containing same subject as Senate bill considered first.....		224
Rule 33—After commitment on third reading.....		225
Rule 35—House substitute for Senate bill.....		225
Rule 46—Shall be in writing.....		227
Rule 47—On engrossed and enrolled bills privileged.....		227
Rule 48—Lie on table one day.....		227
Rule 49—Original bill reported from committee endorsed as having been read first time.....		227
Rule 78—Committee of the Whole.....		233
Rule 87—Entered in Journal.....		234
COMMITTEE OF THE WHOLE—		
Rule 47—When in order.....		227
Rule 75—President appoints Chairman of.....		233
Rule 76—Lieutenant Governor may debate and vote.....		233
Rule 77—Rules of Senate applicable.....		233
Rule 78—Bills shall be read and debated by clauses.....		233
Rule 78—Reports to Senate.....		233
Rule 87—Proceedings of not entered in Journal.....		234
CONCURRENT RESOLUTIONS—		
Rule 36—Requiring approval of Governor subject to same proceedings as bills.....		225
See "Resolutions," "Bills, House," or "Bills, Senate."		
CONSTITUTIONAL AMENDMENTS—		
Rule 38—Subject to rules that govern proceedings on bills...		225
Rule 38—Shall in all cases be read on three several days...		225
Rule 38—Amendments to may be adopted by majority vote..		225
Rules 38, 59 and 62—Final passage shall be by two-thirds vote of Senators elected.....		225, 230
See "Bills, House," "Bills, Senate."		
CONTEMPT—		
Rule 6a—How Senator in chair may commit offense.....		216
Rule 24—May punish members.....		223
Rule 25—May imprison persons not members.....		223

D

DEBATE—	
Rule 13—Senators shall rise and address President.....	219
Rule 15—Number of times may speak.....	220
DEBATE—Continued.	
Rule 16—Senator may be called to order.....	220
Rule 17—Exceptional words may be reduced to writing.....	221
Rule 18—President to decide questions of order.....	221
Rule 20—When a Senator may be interrupted.....	221
DECORUM—	
See "Order."	

DIVISION OF QUESTION—	Page.
Rule 42—Call for.....	226
Rule 42—Motion to strike out and insert.....	226
Rule 42—Motion to table affects only matter to which it is directed	226
DOORKEEPER—	
Rule 7—Shall be elected.....	217
Rule 82—Attendance at executive sessions.....	234
DOORS—	
Rule 8—Shall be open except when in executive session....	218
E	
ELECTIONS—	
Rule 67—By viva voce vote except officers of Senate.....	231
Rule 68—Shall be by majority vote.....	231
EMPLOYEES—	
Rule 5—Under direction of President.....	218
Rule 92—Must not lobby for or against any measure.....	235
ENGROSSING CLERK—	
Rule 7—Shall be elected.....	217
ENROLLING CLERK—	
Rule 7—Shall be elected.....	217
EXCUSES FOR ABSENCE—	
Rules 1, 2, 4 and 10—Compel attendance of absent members	215, 218
Rule 3—Leave of absence required.....	215
Rule 62—Two-thirds vote to grant leave of absence.....	231
EXECUTIVE BUSINESS—	
Rules 21 and 21a—Motion to transact.....	221, 222
EXECUTIVE NOMINATIONS—	
Rule 79—Fixing time to consider.....	234
Rule 80—Considered in executive session.....	234
Rule 81—Secretary shall make returns to Governor.....	234
Rule 83—Discussions secret.....	234
EXECUTIVE SESSIONS—	
Rule 8—Doors closed.....	218
Rule 80—Executive nominations.....	234
Rules 81 and 89—Secretary shall report action on nominations to Governor.....	234, 235
Rule 82—Officers in attendance.....	234
Rule 82—Clearing of Senate Chamber and galleries.....	234
Rule 82—Proceedings secret.....	234
Rule 83—Discussion of nominations.....	234
Rule 84—Penalties for violations of secrecy.....	234
Rules 87 and 89—Record of proceedings.....	234, 235
Rule 89—Final results entered in Senate Journal.....	235

EXPEL MEMBERS—

	Page.
Rule 24—Disorderly conduct.....	223
Rule 26—Bribery or promise of reward for vote.....	223
Rule 62—Two-thirds vote.....	231
Rule 84—Violations of secrecy.....	234

G**GOVERNOR—**

Rule 11—Order of Executive messages.....	218
Rule 62—Passage of bills over veto.....	230
Rule 62—Passage of addresses to.....	231
Rule 62—Two-thirds vote to impeach.....	231
Rule 79—Nominations by.....	234
Rules 81 and 89—Shall be informed of action on nominations	234, 235
Rule 92—Allowed privileges of Senate.....	235
Rule 92—Privileges of Senate extended public at inauguration	236

H**HOUSE BILLS—**

See "Bills, House."

I**IMPEACHMENT—**

Rule 62—Two-thirds vote to convict.....	231
---	-----

J**JOINT RESOLUTIONS—**

Rule 36—Requiring approval of Governor subject to same proceedings as bills.....	225
Rule 38—Proposing constitutional amendments.....	225
Rule 38—Constitutional amendments shall, in all cases, be read on three several days.....	225
Rule 38—Amendments to constitutional amendments may be adopted by majority vote.....	225
Rules 38, 59 and 62—Final passage constitutional amendments shall be by two-thirds vote of Senators elected.....	225, 230
Further proceedings on, see "Bills, House," "Bills, Senate."	

JOURNAL—

Rule 6a—Removal from chair of Senator other than President Pro Tempore.....	216
Rule 10—Reading of.....	218
Rule 27—Suspend constitutional rule.....	223
Rule 34—Signing of bills and resolutions.....	225
Rule 45—Reasons for vote.....	227
Rules 59, 60 and 61—Yeas and nays.....	230
Rule 87—Detail of subject matter.....	234
Rule 88—Executive veto.....	235
Rule 89—Final results of executive sessions.....	235

JOURNAL CLERK—

Rule 7—Shall be elected.....	217
------------------------------	-----

L

LAY ON TABLE—	Page.
Rules 21 and 21a—When in order.....	221, 222
Rule 22—Not debatable.....	223
LEAVE OF ABSENCE—	
Rules 3 and 62—Obtaining.....	215, 231
LIEUTENANT GOVERNOR—	
See "President."	
LOBBYING—	
Rule 92—Persons engaged in not allowed privileges of sessions.....	236
Rule 92—Officers and employes forbidden to engage in.....	236

M

MEMBERS OF SENATE—	
List of.....	257 to 259
Rules 1, 2, 4 and 10—Compel attendance of absentees.....	215, 218
Rule 2—Less than a quorum may adjourn or recess.....	215
Rule 3—Leave of absence imperative.....	215
Rule 4—Call of Senate motion by five Senators.....	215
Rule 5—May perform duties of Chair.....	215
Rule 6a—Decorum when in chair.....	216
Rule 10—Names called alphabetically.....	218
Rule 13—When desiring to speak must address President... ..	219
Rule 14—When two Senators desire recognition at same time	219
Rule 15—Number of times may speak.....	220
Rule 16—Called to order by President or another Senator... ..	220
Rule 17—Exceptional words may be put in writing.....	221
Rule 20—When Senator having floor may be interrupted... ..	221
Rule 21a—Shall be recognized to make privileged motions... ..	222
Rule 24—Punishment for disorderly conduct.....	223
Rule 24—Two-thirds may expel.....	223
Rule 26—Bribery, etc.....	223
Rule 31a—Shall receive copies of bills.....	224
Rule 42—May call for division of question.....	226
Rule 44—May make verbal statement of contents of petitions, etc.....	227
Rule 45—Reasons for vote spread on Journal.....	227
Rule 52—May move reconsideration when voting with prevailing side.....	228
Rule 60—Three Senators may demand yeas and nays.....	230
Rule 60—When present and not voting counted in determining quorum.....	230
Rule 61—Failing or refusing to vote President may direct be marked present.....	230
Rule 72—Additions to committees.....	233
Rule 84—Violations of secrecy of executive sessions.....	234
Rule 95—Ten Senators may demand immediate decision of point of order.....	238
MEMORIALS—	
Rule 11—President shall call for.....	218
Rule 44—Presentation of.....	227
Rule 87—Brief statement of contents entered in Journal.....	234

MESSAGES—

	Page.
Rule 11—Order of business.....	218
Rule 85—Secretary shall send to House.....	234
Rule 86—Reception of.....	234

MORNING CALL—

Rule 11—Order of procedure.....	218
Rule 11—House bills Wednesdays and Thursdays.....	218
Rule 65—Bills or resolutions out of regular cannot be considered	231

MOTIONS—

Rule 4—Call of Senate by Senators.....	215
Rule 5—Removal from chair.....	215
Rules 6a and 20—Chair must entertain.....	216, 221
Rules 6a, 20 and 95—Immediate decision of point of order	216, 221, 238
Rule 6a—Written demand for vacation of chair.....	216
Rule 12—Majority may suspend pending business under special order to take up another special order.....	219
Rule 15—Allowing a Senator to speak more than twice.....	220
Rules 20, 21 and 94—Previous question.....	221, 237
Rule 21—When a question is under consideration.....	221
Rule 21—Privileged	221
Rule 21a—Suspend first readings.....	222
Rule 22—Lay on table, previous question, adjourn or recess not debatable	223
Rule 30—Not necessary for passage bill to second reading...	224
Rule 33—Commitment on third reading.....	225
Rule 39—Put in writing when desired by President or Senator	226
Rule 40—When in possession of Senate.....	226
Rule 40—May be withdrawn.....	226
Rule 41—To fix a sum or state a time.....	226
Rule 42—Division of question.....	226
Rule 42—To strike out and insert not subject to division...	226
Rule 42—To table affects only matter to which directed....	226
Rule 42—To table an amendment does not table entire measure	226
Rule 43—To postpone or commit not entertainable second time on same day.....	227
Rule 50—May be committed when in writing.....	228
Rule 51—Cases of disagreement as to what committee matter should be referred.....	228
Rule 52—To reconsider.....	228
Rule 52—Request return of subject matter from House.....	228
Rule 53—To reconsider decided by majority vote.....	229
Rule 65—To suspend rule to take up bill at morning call not in order.....	231
Rule 92—Not in order to ask for suspension of rule relating to privileges of floor.....	236
Rule 94—Previous question.....	237
Rule 95—Calling for immediate decision of point of order...	238

N

NEWSPAPER REPORTERS—	
Rule 92—Shall be assigned seats in Senate.....	236
Rule 92—Privileges denied if engaged in lobbying.....	236
Rule 92—Debarred from sessions if salary is paid by other than newspaper.....	236
NOMINATIONS, EXECUTIVE—	
Rule 79—Fixing time for consideration of.....	234
Rule 80—Shall be considered in executive session.....	234
Rule 81—Secretary shall make return to Governor.....	234
Rule 83—Discussion of qualifications secret.....	234

O

OBJECTIONS—	
Rule 54—Reading of a paper.....	229
Rule 88—Executive veto.....	235

OFFICERS OF SENATE—	
List of.....	260
Rule 7—Shall be elected.....	217
Rule 67—Manner of election.....	231
Rule 68—Elected by majority vote.....	231
Rule 82—Attendance at executive sessions.....	234
Rule 84—Violations and penalties.....	234
Rule 92—Forbidden to lobby.....	235
See “President” and “President Pro Tempore.”	

ORDER—	
Rule 6a—Chair must recognize Senators.....	216
Rule 13—Must rise and address Chair when desiring to speak	219
Rule 14—Two or more desiring recognition at same time....	219
Rule 15—Number of times a Senator may speak.....	220
Rule 16—When Senator is called to order by President or another Senator.....	220
Rule 17—Use of exceptional words.....	221
Rule 18—President shall decide questions of.....	221
Rule 19—President shall not be interrupted.....	221
Rule 20—When a Senator having floor may be interrupted...	221
Rule 20—Point of order made at any time.....	221
Rule 20—Previous question moved at any time.....	221
Rule 20—Senator calling another to order.....	221
Rule 21a—Recognition to make privileged motions.....	222
Rule 24—Disorderly conduct and punishment.....	223
Rule 25—Imprisonment of persons not members for disorderly conduct.....	223
Rule 26—Offense of bribery and expulsion.....	223
Rule 54—Objections to reading a paper not debatable.....	229
Rule 55—Questions shall be distinctly put.....	229
Rule 65—Motion to take up bill at morning call not enter- tainable	231
Rule 83—Secrecy of executive session.....	234
Rule 84—Violations and penalties.....	234

ORDER OF BUSINESS—	Page.
Rule 9—President shall take chair at time to which Senate last adjourned.....	218
Rules 9, 10, 11 and 12—Prescribing.....	218, 219
Rule 12—Suspend pending business under special order by majority vote to take up another.....	219
Rule 12—Special order shall not lose its place, subject, however to Rule 64.....	219
Rule 20—Senator having floor may be interrupted, when....	221
Rules 21 and 21a—Motions, privileged, when question is under consideration.....	221, 222
Rule 47—Reports of Committees on Engrossed and Enrolled Bills privileged.....	227
Rule 48—Committee reports lie over one day.....	227
Rules 50 and 51—Commitment.....	228
Rules 52 and 53—Reconsideration.....	228, 229
Rules 63, 64 and 65—Suspension and rescission.....	231
Rule 66—Bill or resolution not entertainable after another containing same substance has been defeated.....	231
Rule 74—Committee of the Whole.....	233
Rule 79—Time for considering executive nominations.....	234
Rule 86—Receiving messages.....	234
Rules 1, 21, 21a, 90 and 91—Adjournment.....	215, 221, 222, 235
Rules 20, 21, 21a and 94—Previous question.....	221, 222, 237
Rules 20, 21 and 95—Point of order.....	221, 238

P

PETITIONS—	
Rule 11—Shall be called for.....	218
Rule 44—Presentation of.....	227
Rule 87—Record in Journal.....	234

POINTS OF ORDER—	
Rule 6a—Must be entertained.....	216
Rules 6a, 20 and 95—The Senators may demand immediate decision	216, 221, 238
Rule 95—Appeals from Chair.....	238

POSTPONE—	
Rules 21, 21a and 62—To time certain or indefinitely.....	221, 222, 231
Rule 37—Resolutions	225
Rule 43—Motion not entertainable second time on same day..	227

PRESIDENT—	
Rule 5—General powers and duties.....	215
Rule 5—May call a Senator to chair.....	215
Rule 6a—Removal of Senator from chair.....	216
Rules 6a and 20—Shall hear points of order and motions for previous question.....	216, 221
Rule 6a—Providing for President Pro Tempore Ad Interim..	216
Rule 9—Shall take chair at hour to which Senate last adjourned	218
Rule 11—Order of business.....	218
Rule 13—Addressed by Senators when desiring to speak....	219
Rule 14—Recognition when two or more desire to speak....	219
Rule 16—Calling a Senator to order	220

PRESIDENT—Continued.

Page.

Rule 17—Exceptional words may be taken down in writing..	221
Rule 18—Shall decide questions of order.....	221
Rule 19—Shall not be interrupted when addressing Senate...	221
Rule 20—Recognizing a Senator when another has floor.....	221
Rules 21 and 21a—Certain privileged motions.....	221, 222
Rule 23—House bill in place of Senate bill on same subject..	223
Rule 28—Announce at each reading where bill originated....	224
Rule 34—Signing bills and resolutions.....	225
Rule 39—May require motion to be in writing.....	226
Rule 40—When a motion is in possession of Senate.....	226
Rule 55—Shall put questions distinctly.....	229
Rule 56—Lieutenant Governor gives casting vote in case of tie.....	229
Rule 57—Other than Lieutenant Governor cannot give casting vote in case of tie.....	229
Rule 58—In case of tie vote question is lost in absence of Lieutenant Governor.....	229
Rule 59—Calls for yeas and nays on certain questions.....	230
Rule 61—May direct that Senator refusing to vote be marked present	230
Rules 69 and 70a—Lieutenant Governor shall appoint standing committees	232
Rule 75—Appointment Chairman of Committee of the Whole.	233
Rule 76—Right of Lieutenant Governor to debate and vote in Committee of the Whole.....	233
Rule 92—Suspension of rule according privileges of floor....	236
Rule 93—When rules are silent.....	236

PRESIDENT PRO TEMPORE—

Rules 5 and 6—General duties.....	215, 216
Rule 6—Election of.....	216
See "President."	

PRESIDENT PRO TEMPORE AD INTERIM—

Rule 6a—When necessary to elect.....	216
--------------------------------------	-----

PRESIDING OFFICER—

See "President," "President Pro Tempore."

PREVIOUS QUESTION—

Rules 20, 21, 21a and 94—When motion for is in order.	221, 222, 237
Rule 22—Motion not debatable.....	223
Rule 90—May recess or adjourn while operating under....	235
Rule 94—Seconded by five Senators.....	237
Rule 94—Form for putting question.....	237
Rule 94—Ordered by majority vote.....	237
Rule 94—Cuts off further amendments and debate.....	237
Rule 94—Brings Senate to direct vote (1) upon pending amendments, and (2) upon main question.....	237

PRINTING—

Rule 31a—Bills and resolutions.....	224
-------------------------------------	-----

PRIVILEGED MATTER—	Page.
Rule 11—Bills or resolutions with House amendments.....	218
Rule 21—Exhibits a list of privileged motions.....	221
Rule 21—Senators shall be recognized to make motions.....	221
Rule 47—Reports of Committee on Engrossed and Enrolled Bills	227
PRIVILEGES OF THE FLOOR—	
Rule 92—Who may enjoy.....	235
Rule 92—Persons debarred from.....	236
Rule 92—Suspension of rule relating to, and when not applicable	236
PROTESTS—	
Rule 45—Reasons for vote spread upon Journal.....	227
PUNISHMENT—	
Rule 6a—Contempt	216
Rules 24, 26 and 84—Expulsion.....	223, 234
Rule 25—Imprisonment of persons not members.....	223
Rule 84—Dismissal of employes.....	234
Q	
QUESTIONS—	
Rule 55—Shall be distinctly put.....	229
QUORUM—	
Rule 1—Two-thirds of all Senators elected constitute.....	215
Rules 1, 2, 4 and 10—Compel attendance of absentees....	215, 218
Rule 60—Senator present and not voting counted to determine presence of.....	230
R	
READING A PAPER—	
Rule 54—Determined by a majority vote.....	229
REASONS FOR VOTE—	
Rule 45—Record in Journal.....	227
RECESS—	
Rule 1—Lack of quorum.....	215
Rules 21, 21a and 90—Motion in order.....	221, 222, 235
Rules 22 and 90—Motion not debatable.....	223, 235
Rule 90—While operating under previous question.....	235
Rule 91—Not more than three days.....	235
Rule 91—Not to a different place.....	235
RECONSIDER—	
Rule 52—When and by whom motion may be made.....	228
Rule 52—When subject matter has passed to the House.....	228
Rule 53—Majority vote decides.....	229
REPORTERS OF NEWSPAPERS—	
Rule 92—May attend sessions if not lobbying.....	236
Rule 92—Debarred from sessions if salary is paid by other than newspaper.....	236

INDEX TO RULES OF THE SENATE.

363

RESCIND—	Page.
Rule 64—Two-thirds vote.....	231

REPORTS OF COMMITTEES —

Rule 11—President shall call for.....	218
Rule 29—Senate and House bills containing same subject....	224
Rule 33—After commitment on third reading.....	225
Rule 35—Substitute for Senate bill.....	225
Rule 46—Shall be in writing.....	227
Rule 47—On engrossed and enrolled bills privileged.....	227
Rule 48—Lie on table one day.....	227
Rule 49—Report of original bill endorsed as read first time..	227
Rule 78—Committee of the Whole.....	233
Rule 87—Entered in Journal.....	234

RESOLUTIONS—

Rule 11—President shall call for.....	218
Rule 11—Disposition of.....	218
Rule 11—With House amendments privileged.....	218
Rule 21a—May be laid on table pending first reading.....	222
Rule 34—Signing	225
Rule 36—Requiring approval of Governor subject to same proceedings as bills.....	225
Rule 37—Action on at introduction.....	225
Rules 37, 50 and 51—Commitment of.....	225, 228
Rule 38—Proposing constitutional amendments.....	225
Rule 38—Proposing constitutional amendments shall be read on three several days.....	225
Rule 38—Constitutional amendments pass by two-thirds vote.	225
Rules 52 and 53—Reconsideration of.....	228, 229
Rule 62—Requiring two-thirds vote upon final passage.....	230
Rule 62—Two-thirds vote to amend on third reading.....	231
Rule 62—Postponement	231
Rule 65—Cannot consider at morning call out of regular order	231
Rule 66—When defeated by either House or Senate another containing same substance cannot be considered.....	231

RESOLUTIONS—Continued.

Rule 72—Providing additions to committees.....	233
Rule 85—Transmission to House.....	234
Rule 92—Not in order for suspension of rule according privileges of the Senate.....	236

ROLL CALL—

Rule 10—Alphabetical order.....	218
Rule 59—Passage of constitutional amendment and other questions	230
Rules 27 and 63—Suspension constitutional rule.....	223, 231
Rule 60—May be demanded by three Senators.....	230
Rule 60—A Senator present and failing to vote may be counted in determining a quorum.....	230
Rule 61—A Senator present and refusing to vote may be marked present.....	230
Rule 62—Certain subjects requiring a record vote upon final passage	230
Rule 87—Entered in Journal.....	234

RULES—	Page.
Rule 62—Two-thirds vote to suspend a Senate rule.....	231
Rule 64—Two-thirds vote to rescind or change.....	231
Rule 65—Cannot suspend at morning call to take up a bill out of its order.....	231
Rule 77—Observed in Committee of the Whole.....	233
Rule 92—Suspension reference to according privileges of the Senate	236
Rule 93—When silent.....	236

RULINGS, APPEALS FROM—

Rule 6a—Must be entertained.....	216
Rule 14—Case in which two or more Senators desire recognition	219
Rule 93—When the rules are silent.....	236
Rule 95—Case of demand for immediate decision must be decided without debate.....	238

S

SECRETARY—

Rule 6a—Call Senate to order.....	217
Rule 7—Shall be elected.....	217
Rule 10—Roll call and reading of Journal.....	218
Rule 39—Reading of motions.....	226
Rule 40—Motion in possession of Senate after reading.....	226
Rule 49—Report of original bill endorsed as read first time..	227
Rule 61—May record Senator present who fails to vote.....	230
Rule 78—Duties in Committee of the Whole.....	233
Rules 81 and 89—Shall inform Governor of action on nominations	234, 235
Rule 82—Attendance on executive sessions.....	234
Rule 85—Transmission of subject matter to House.....	234
Rule 89—Minutes of executive sessions.....	235

SENATE BILLS—

See "Bills, Senate."

SENATORS—

See "Members of the Senate."

SERGEANT-AT-ARMS—

Rules 2, 4 and 10—Bring in absentees.....	215, 218
Rule 6a—Removal of a Senator from chair.....	216
Rule 7—Shall be elected.....	217
Rule 82—Attendance on executive sessions.....	234
Rule 92—Enforcement of rule reference to privileges of floor..	236

SESSIONS OF SENATE—

Rule 8—Doors shall be open except when in executive session	218
Rule 9—President shall call to order at time to which Senate adjourned.....	218
Rule 92—Privileges of attendance.....	235
Rule 92—Persons debarred.....	236
Rule 92—Suspension of rule according privileges of attendance, and when not applicable.....	236

SIMPLE RESOLUTIONS—	Page.
Rule 11—President shall call for.....	218
Rule 11—Disposition of.....	218
Rule 21a—May be laid on table pending reading.....	222

SPECIAL ORDER—	
Rule 11—President shall call for.....	218
Rule 12—Shall be considered at time for which set.....	219
Rule 12—Shall not lose its place, subject, however, to Rule 64	219
Rule 12—Suspend pending business under special order by majority vote to take up another.....	219

SPEECHES—	
Rule 13—Senators must rise and address President.....	219
Rule 15—Number of times Senator may speak.....	220
Rule 16—President or another Senator may call speaker to order	220
Rule 17—Exceptional words may be put in writing.....	221
Rule 18—President decides questions of order.....	221
Rule 20—When a Senator may be interrupted.....	221

STRIKE OUT AND INSERT—	
Rule 42—Division not in order.....	226
Rule 42—Subsequent motion only to strike out.....	226

SUSPEND—	
Rule 11—Four-fifths vote as to House bills on Wednesdays and Thursdays.....	218
Rule 12—Pending business under special order by majority vote to take up another special order.....	219
Rules 12 and 64—Special order.....	219, 231
Rule 21—Postponement to time certain or indefinitely.....	221
Rules 27 and 63—Reading of bills on three several days....	223, 231
Rule 43—Motion to postpone not in order second time in same day	227
Rule 59—Exception as to calling for yeas and nays on suspension of Senate rule.....	230
Rule 62—Two-thirds vote to postpone or change order of business	231
Rule 62—Two-thirds vote to suspend a Senate rule.....	231
Rule 64—Two-thirds vote to rescind.....	231
Rule 65—Not in order purpose considering bill or resolution out of its order.....	231
Rule 92—Reference to according privileges of Senate.....	236

T

TIE VOTE—	
Rule 56—Lieutenant Governor gives casting vote.....	229
Rule 57—Other than Lieutenant Governor cannot give casting vote	229
Rule 58—Question is lost in the absence of Lieutenant Governor	229

U

UNFINISHED BUSINESS—

Page.

Rule 11—President shall call for.....	218
Rule 12—Relating to special orders.....	219

V

VOTES, VOTING—

Rules 5 and 6a—Majority, in absence of regular presiding officer, may vacate chair and elect another to preside....	215, 216
Rule 11—Four-fifths to suspend consideration House bills on Wednesdays and Thursdays.....	218
Rule 12—Majority suspend pending business under special order to take up another special order.....	219
Rules 12 and 64—Two-thirds to change a special order...	219, 231
Rule 21a—Majority may take up bill or resolution laid on table pending first reading.....	222
Rule 24—Two-thirds vote to expel a member.....	223
Rules 27 and 63—Four-fifths to suspend reading of bill on three several days.....	223, 231
Rule 31—Bill cannot pass within last twenty-four hours of session.....	224
Rule 32—Two-thirds to adopt amendment on third reading..	225
Rule 38—Two-thirds vote submission constitutional amendment.....	225
Rule 38—Majority may adopt amendments to a proposed constitutional amendment.....	225
Rule 45—Reasons for may be entered in Journal.....	227
Rule 53—Majority to reconsider.....	229
Rule 54—Majority may call for reading of a paper.....	229
Rule 56—In case of tie Lieutenant Governor decides.....	229
Rules 57 and 58—Event of tie in absence of Lieutenant Governor question is lost.....	229
Rule 59—President shall call for yeas and nays on all questions, except to suspend rules, requiring two-thirds....	230
Rule 60—Three Senators may demand yeas and nays.....	230
Rule 60—Senator present and not voting counted to determine quorum.....	230
Rule 61—President may direct Senator to be marked present	230
Rule 62—Subjects requiring two-thirds to pass or adopt....	230
Rule 64—Two-thirds to rescind.....	231
Rule 67—Manner of elections.....	231
Rule 68—Majority determine elections.....	231
Rule 72—Two-thirds to change committees after additions...	233
Rule 76—Right of Lieutenant Governor in Committee of the Whole.....	233
Rule 86—Taking of yeas and nays and counting of ballots privileged.....	234
Rule 87—Record in Journal.....	234
Rule 94—Majority may order previous question.....	237
Rule 95—Majority may order immediate decision of point of order.....	238

Y

YEAS AND NAYS—

See "Votes, Voting."

GENERAL INDEX.

ANNOTATIONS—	Page.
To Joint Rules.....	243-244
BILL, PROGRESS OF—	
House Bill.....	210-214
COMMITTEES—	
Standing Committees of the House.....	251-256
Standing Committees of the Senate.....	261-264
CONSTITUTION OF TEXAS. (ANALYTICAL INDEX, p. 267.)	
Relative to—	
Address	87
Amendment of Constitution.....	100
Asylums	68
Bill of Rights.....	27
Common Carriers.....	76
Corporations—	
Municipal	78
Private	80
Counties, Creation, Etc.....	74
County Seats.....	75
Courts	51
Education	65
Executive Department.....	44
General Land Office.....	83
General Provisions.....	87
Governor	44
Homestead Exemptions.....	97
Impeachment	86
Judicial Department.....	51
Legislative Department—	
In General.....	32
Proceedings	36
Powers and Limitations.....	38
Land Titles, Spanish and Mexican.....	81
Mode of Amending Constitution.....	100
Municipal Corporations.....	78
Official Oath of Office.....	87
Powers of Government.....	31
Preamble	27
Private Corporations.....	80
Public Free Schools.....	65
Public Lands and Land Office.....	83
Railroads	75
Revenue and Taxation.....	70
Spanish and Mexican Land Titles.....	81
Suffrage	63
Taxation and Revenue.....	70
University	68

	Page.
HOUSE, MEMBERS OF—	
Tabulation Showing Age, Etc.....	245 to 249
HOUSE, OFFICERS OF—	
Tabulation Showing Age, Etc.....	250
HOUSE RULES—	
See "Rules of the House."	
INDEXES—	
To United States Constitution.....	267
To State Constitution.....	275
To Rules of the House.....	323
To Legislative Precedents.....	339
To Rules of the Senate.....	349
JOINT RULES OF THE HOUSE AND SENATE.....	239 to 243
Relative to—	
Bills, Enrolling and Signing.....	240
Conference Committees.....	242
Communications Between the Two Houses.....	239
Disagreements Between the Two Houses.....	239
Elections in Joint Sessions.....	241
Free Conference Committees.....	244
Joint Sessions.....	241
Messages Between the Two Houses.....	239
Notification of Defeated Measures.....	242
Resolutions, Enrolling and Presenting to Governor.....	240
Senate and House Bill Days.....	242
LEGISLATIVE MANUAL—	
Resolution Authorizing Publication.....	3
MEMBERS OF THE HOUSE—	
Tabulation Showing Age, Etc.....	245 to 249
MEMBERS OF THE SENATE—	
Tabulation Showing Age, Etc.....	257 to 259
NEWSPAPER REPRESENTATIVES—	
List of.....	265
OFFICERS OF THE HOUSE—	
Tabulation Showing Age, Etc.....	250
OFFICERS OF THE SENATE—	
Tabulation Showing Age, Etc.....	260
PRESS REPRESENTATIVES—	
List of.....	265
PROGRESS OF A BILL—	
House Bill.....	210-214

Page.

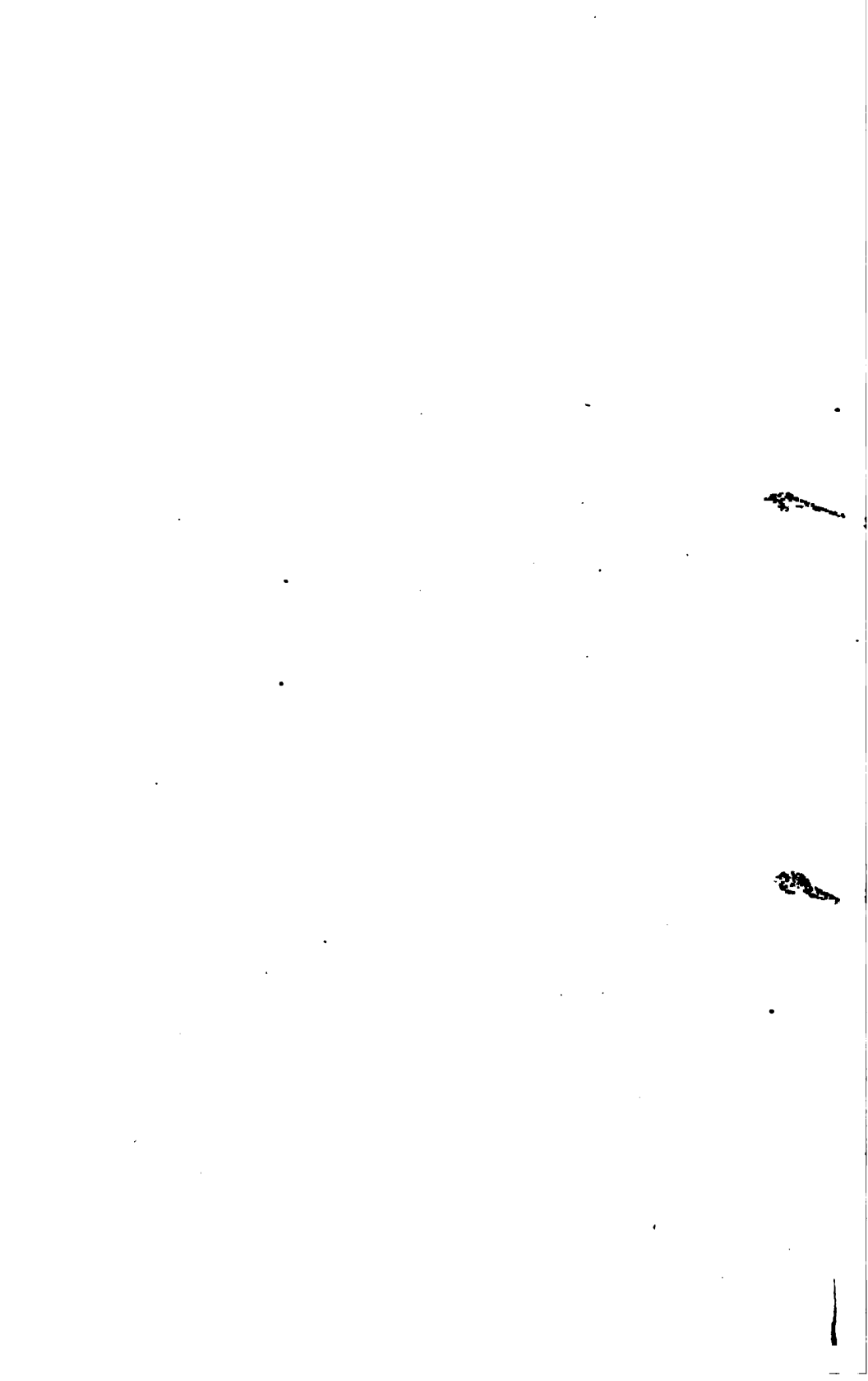
RULES OF THE HOUSE. (ANALYTICAL INDEX, p. 323.)

Relative to—	
Absentees	145
Admission to the House	146
Amendments	138
Amendments to the Rules	147
Bills	131
Committees, Organization, Powers and Duties of	109, 114
Committees of the Whole House	140
Communications from the Governor and Senate	144
Decorum and Debate	117
Duties and Rights of the Speaker	102
Duties of the Clerks	105
Duties of the Chaplain	109
Duties of the Doorkeeper	108
Duties of the Sergeant-at-Arms	104
Election and Compensation of Officers	104
Joint Resolutions	131
Motions	122
Order of Business	141
Previous Question	125
Petitions and Memorials	145
Questions of Privilege	117
Reconsideration	127
Roll Calls and Calls of the House	129
Simple and Concurrent Resolutions	130
Suspension of the Rules, Etc.	143
Voting	120
When Rules are Silent	148
Witnesses	145

RULES OF THE SENATE. (ANALYTICAL INDEX, p. 349.)

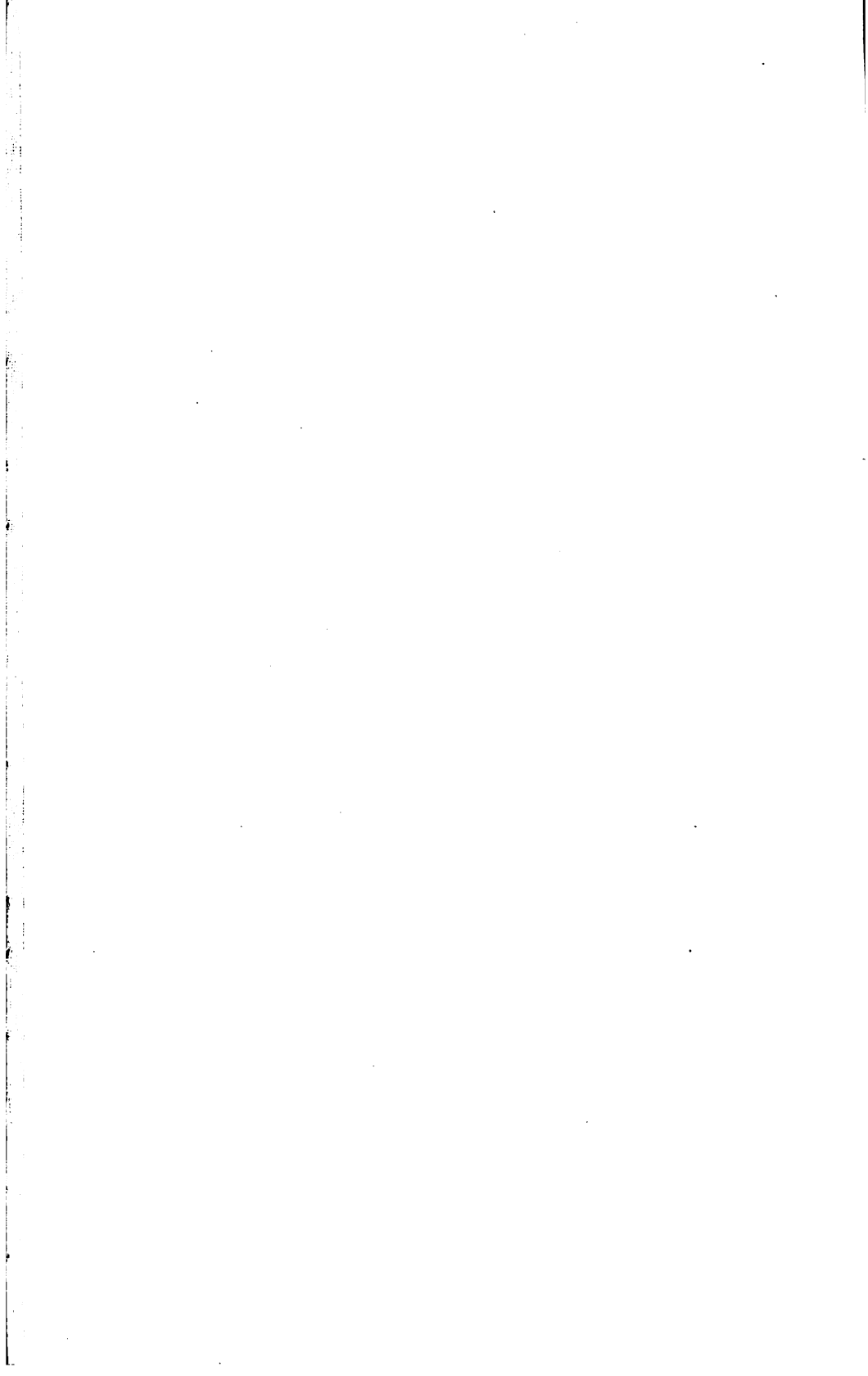
Relative to—	
Absentees	215
Admission to the Floor	235
Appeals	219
Bills	223
Committees	232
Committee of the Whole	233
Decorum and Debate (see "Order")	219
Executive Session	234
Joint Resolutions	225
Journal of the Senate	234
Lieutenant Governor, Duties, Etc.	215
Motions	226
Officers of the Senate	215
Order of Business	218
Points of Order	238
President of the Senate	215
Previous Question	237

	Page.
RULES OF THE SENATE—Continued.	
Relative to—Continued.	
Quorum	215
Reconsideration	228
Reports	227
Resolutions	225
Rules, When Silent.....	236
Suspension of Rules.....	231
Two-thirds Vote Required, When.....	230
Votes	230
Yeas and Nays.....	230
SENATE, MEMBERS OF—	
Tabulation Showing Age, Etc.....	257 to 259
SENATE, OFFICERS OF—	
Tabulation Showing Age, Etc.....	260
SENATE RULES—	
See "Rules of the Senate."	
STAGES OF A BILL—	
House Bill.....	210 to 214
STANDING COMMITTEES—	
Of the House.....	251 to 256
Of the Senate.....	261 to 264
VETOED BILL—	
Action on.....	214









THE NEW YORK PUBLIC LIBRARY
REFERENCE DEPARTMENT

This book is under no circumstances to be taken from the Building

[illegible]

